

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14420 of 2015

Arising Out of PS.Case No. -406 Year- 2014 Thana -BODHGAYA District- GAYA

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1. Manoj Kumar son of Late Lakshman Prasad Resident of Roshani Guest House Baiju Bigha, Main Road, Bodh - Gaya, Police Station - Bodh Gaya , Original Address : R/o Mohalla - Nawagarhi, Police Station - Civil Lines, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. India Power Corporation (Bodh Gaya) Limited, a distribution franchise of South Bihar Power Distribution Company Limited, Bodh Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh, Advocate

For the Opposite Party/s : Mr. Dr.Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 135 of the Indian Electricity Act.

Accusation is of running Raushani Guest House by consuming electricity energy unauthorizedly and thereby caused loss of Rs.4,81,200/- to the power supply company and at the time of raid the petitioner was found running the guest house.

It is submitted by learned counsel for the petitioner that owner of the premises is one Md. Arman Ansari, who let out the same to Rajeev Kapoor and Rajeev Kapoor has admitted the same by filing an application before the India Power Corporation to

whom the franchisee was given by the South Bihar Power Distribution Company Limited.

It is submitted by learned counsel for the South Bihar Power Distribution Company Limited that the agreement between the land owner and the tenant suggests that the energy charges were to be paid by the tenant. Though it is claimed by Rajeev Kapoor that the petitioner was a customer of the guest house and was not running the guest house. It appears unreasonable that the owner of premises in whose favour connection is registered has not been made accused. However, the petitioner is ready to deposit Rs.75,000/- within a period of four months before the power supply company, which will be subject of assessment/compounding proceedings.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for a period of four months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Electricity, Gaya, in connection with Bodh Gaya P.S. Case No.406 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed
by the lower court below on filing substantial proof with regard to
deposit of Rs. 75,000/-.

Ashwini/-

(Dinesh Kumar Singh, J)

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