

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18153 of 2015

Arising Out of PS.Case No. -234 Year- 2014 Thana -SHEOHAR District- SHEOHAR

Prabhakar Tiwari, son of Ram Bali Tiwari, resident of Village- Block Road, Ward No.3, Sheohar, P.S. & District- Sheohar, permanent address at village- Ratnawa, P.S.- Fenhara, District- East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar
2. The North Bihar Power Co. Ltd. Through its Junior Engineer, Electricity Board Section, Sheohar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Prakash Arya

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-09-2015 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the North Bihar Power Company Limited.

The petitioner seeks anticipatory bail in connection with Sheohar P.S. Case No. 234 of 2014 registered for the offence punishable under section 135 of the Electricity Act.

According to the prosecution case, the petitioner was unauthorizedly consuming electrical energy and was found running a Welding Machine by connecting wire on the main L.T. line, as a result of which the Power Holding Company sustained an estimated loss of Rs.5,23,708/-.

It is contended by the learned counsel for the

petitioner that the petitioner was recently inducted as a tenant in the premises in which the Welding Machine was being operated. He has been falsely implicated in the case. He has submitted that the landlord was having valid domestic connection and if any illegality was committed, it was the responsibility of the landlord and not the tenant.

Learned counsel for the Power Holding Company submits that the submission made by the learned counsel for the petitioner is not correct. As a matter of fact, the Welding Machine can be operated only after having a valid NDS-II connection. The shop in which the Welding Machine was being operated was in exclusive possession of the petitioner and no connection was obtained for running the same from the Power Holding Company.

Regard being had to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

(Ashwani Kumar Singh, J)

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