

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.238 of 2015

Arising Out of PS.Case No. -210 Year- 2013 Thana -KARPI District- JEHANABAD

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1. Ajay Singh @ Ajay Kumar Singh Son of Late Bhagwan Singh Resident
of Village - Lodipur, Police Station - Karpi, District - Arwal.

.... Petitioner

Versus

1. The State of Bihar.
2. South Bihar Power Supply Co. Ltd (Electricity Deptt.), Bihar, Patna.
3. The Executive Engineer, Electrical, South Bihar Power Supply Co. Ltd.,
Karpi, District - Arwal.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Nagendra Kumar
For the Opposite Parties : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 30-06-2015 Heard both sides.

The Junior Engineer, Electric Supply Division, South Bihar Power supply Company Limited (for short 'the Company') has lodged the present case vide Karpi P.S. case no. 210 of 2013 under Sections 379 of the IPC and Section 135 of the Electricity Act alleging that the petitioner clandestinely used electricity and caused loss to the tune of Rs. One lacs and odd.

Learned counsel submits that it has come during the investigation that the transformer was burnt through which the electric supply was made to the village. He, therefore, challenges the allegation of unauthorized use of electricity.

Learned APP for the State, on the other hand, submits that electric connection was given to the petitioner's flour mill and on account of non payment of the energy bill it was disconnected. Petitioner thereafter illegally used the electricity.

Considering the facts and circumstances of the case, I am inclined to privilege the petitioner with anticipatory bail on the condition that he shall deposit a sum of Rs. 30,000/- (Thirty Thousand) with the informant subject to the result of the case. The deposit so made shall be without prejudice to the right and defence of the petitioner.

Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Electricity) Magadh Area, Gaya in connection with Karpi P.S. case no.210 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) Along with the bail bonds the petitioner will furnish a demand draft/bank instrument in

the sum of Rs. 30,000/- (Thirty Thousand) favouring the informant and/or receipt showing the deposit of the aforesaid amount with the Nazarat of the Court which the informant shall be entitled to withdraw.

(Kishore Kumar Mandal, J)

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