

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39655 of 2014

Arising Out of PS.Case No. -166 Year- 2013 Thana -SHEOHAR District- SHEOHAR

=====

Uma Shankar Sah, Son of Ram Karan Sah, Resident of Village -
Kahatarwa, P.S. - Sheohar, District – Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

2. The Chairman, North Bihar Power Supply, Muzaffarpur Division

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. H. A. Khan (APP)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 10-04-2015

The petitioner is running a wielding shop. Sheohar

P.S. Case No.166 of 2013 for the offence under Section 135 of the Electricity Act was only registered against the petitioner alleging that he committed theft of electricity. Apprehending his arrest, the petitioner filed ABP No.190 of 2014 before the Sessions Judge, Sheohar. The same was rejected on 04.08.2014. Hence, this application for grant of anticipatory bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The complainant sought to prosecute the petitioner alleging acts of theft of power. The question as to whether the petitioner resorted theft of power needs to be determined not only in the trial, but also in the departmental proceedings.

Further, the complainant can also levy penalty for pilferage of electricity. The arrest of the petitioner is not warranted in a case of this nature.

Hence, this application is allowed. In the event of arrest, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar, in connection with Sheohar P.S. Case No.166 of 2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(L. Narasimha Reddy, CJ)

Sunil/-

U		T	
---	--	---	--