

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29891 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -BODHGAYA District- GAYA

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Abdul Karim, son of Late Md. Ali Jan, resident of Village-Neema, P.S.-
Bodh Gaya, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Kamlesh Kumar Singh, son of Dashrath Singh, resident of Village-
Kamhariya, P.S.-Suikrit, District-Sonbhadra (U.P.), presently Assistant
Commercial, India Power Corporation, Bodh Gaya(Bihar)
3. The South Bihar Power Distribution Company Ltd., Vidyut Bhawan,
Bailey Road, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Syed Ehteshamuddin, Advocate
For Opposite Party No.2 : Mr. Anand K. Ojha, Advocate
For the S t a t e : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 26-11-2015 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the South Bihar Power

Distribution Company Ltd. as well as the learned counsel for

the State.

The petitioner is apprehending his arrest in
connection with Bodh Gaya P.S. Case No.88 of 2015 (G.R.
No.86 of 2015) for allegedly having committed the offence
under Section 135 of the Indian Electricity Act.

Learned counsel for the petitioner submits that the
petitioner has made an application for installation of Three-
phase meter in his premises, but though the same was not done,



the opposite parties have raised an unusual demand against him and have also made some wild allegations. He further submits that the petitioner in order to show his *bona fide* has deposited all the current bills, which were being issued to him. He further submits that the petitioner has already given an undertaking and assured the opposite parties that whatever may be the assessment made with regard to the past few months, he is willing and ready to deposit the same and that if there is any discrepancy in the demand so made, his objection may be considered, in accordance with law.

Learned counsel for the opposite parties submits that the provisional assessment with regard to past months has been made and the loss caused by the petitioner as stated in the F.I.R. is with regard to the previous months, but it is not clear whether the same has been communicated to the petitioner or not. He, however, submits that such communication shall be made at the earliest to the petitioner. If such communication is made, then the petitioner will be entitled to file his objection thereto.

However, this Court feels that whatever provisional assessment has been made till date, the petitioner must deposit 50% of the same so as to ensure that the Company is not

subjected to any loss. In case such deposits are made, then the petitioner's objection shall be considered. It is made clear that the petitioner shall within three weeks of the deposits made by him files his objections of the assessment as already determined by the opposite parties.

In view of the aforementioned facts and circumstances and the *bona fide* offer made by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond 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 at Gaya, in connection with Bodh Gaya P.S. Case No.88 of 2015 (G.R. No.86 of 2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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