

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30634 of 2015

Arising Out of PS.Case No. -32 Year- 2014 Thana -SAKSOHRA District- PATNA

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1. Gaury Shankar Sharma Son of Baleshwar Singh Resident of village -
Naghar, P.S. Ekangar Sarai, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

2. Bihar State Power Holding Corporation Ltd. Patna, Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate.

For the Opposite Party/s : Mr. Atul Chandra(App)

For the SBPDCL : Mr. Ritesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2015

The petitioner is apprehending his arrest in connection with Saksohra Police Station Case No. 32 of 2014 for the offences instituted under Sections 384/420 of the I.P.C.

Heard learned counsel for the petitioner and learned counsel for the State.

Prosecution case, in short, is that petitioner was allotted to transact the work of rural revenue franchise after executing an agreement. The petitioner was giving intimidation to some BPL consumers forcibly and gave them new electric connection after removing the BPL meters which is against the rule.

It is submitted on behalf of the petitioner that as per the F.I.R. itself it is alleged that in violation of the rules the meters of the BPL category was changed. On query being made by the counsel for the Bihar State Power Holding Corporation Ltd, Patna, they could not point out which rule has been violated in the present case. On behalf of

the petitioner it is further submitted that the company had got this malicious prosecution against the franchise. It is further submitted on behalf of the petitioner that there is nothing to indicate that there was any complaint made against the petitioners by the consumers.

On behalf of the State and the Bihar State Power Holding Corporation Ltd., it is submitted that without seeking any prior permission from the Company the franchise on its own has committed the irregularity by changing the meters of the BPL category.

It has further been submitted on behalf of the petitioner that petitioner is ready to deposit an amount of Rs.25,000/- in the Court below, which shall be subject to the final disposal of the case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 25000/- in the court below which shall be subject to the final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Saksohra P.S. Case No. 32 of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Barh, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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