

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47315 of 2014

Arising Out of PS.Case No. -86 Year- 2013 Thana –MEDANI CHOWKI District- LAKHISARAI

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Anuranjeb Alam Son of Md. Islam, Resident of Village - Medani Chowki,
P.S. Medani Chowki, District - Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Power (Holding) Company Ltd. Patna, through its
Chairman-cum-Managing Director.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 23-04-2015

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

Though the Bihar State Power Holding
Company Limited, Patna has been made opposite party no. 2
and copy of the application also served on learned counsel and
name of learned counsel appearing in the cause list, nobody is
present on its behalf when the case is taken up.

The petitioner apprehends arrest in Medani
Chowki P.S. Case No. 86 of 2013 dated 20.11.2013 instituted
under Sections 379 of the Indian Penal Code and 135 of The
Electricity Act, 2003.

Learned counsel for the petitioner submits that
as per the allegation, wire has been seized to indicate that the
petitioner had been illegally drawing electric power for
operating his welding machine and other equipments but the
allegation is falsified from the fact that only one wire 35 feet

long has been seized which is clear from the seizure list. Learned counsel submits that for using high tension, as per the allegation, there has to be three wires and not one single wire and further there has been no seizure of any equipment from the petitioner.

Learned counsel submits that he is a bona fide consumer paying regular bill as raised by the Board and the allegation of drawing power illegally is false. Learned counsel submits that raid is said to have been conducted on 19.11.2013 without police help but the information to the police and institution of the F.I.R. is on 20.11.2013 i.e., the next day for which there is no explanation. Learned counsel further submits that the police have found that though there is a welding machine in the house of the petitioner but the same is operated from the generator of the petitioner. Learned counsel has drawn the attention of the Court to Annexure-3 which is a copy of the order dated 18.01.2014 in A.B.P. No. 617(L) of 2013 by which the Additional Sessions Judge, Lakhisarai had granted interim protection to the petitioner. Learned counsel submits that at the relevant time as Lakhisarai was not a full-fledged judgeship, the senior most Additional Sessions Judge was hearing anticipatory bail petition but after creation of the separate judgeship of Lakhisarai, the petition was numbered as A.B.P. No. 143 of 2014 which was rejected by order dated 13.10.2014 by the Sessions Judge, Lakhisarai. Learned counsel submits that the petitioner has been falsely implicated without there being any

evidence in support of the prosecution. By way of example it has been submitted by learned counsel for the petitioner that one Vijay Kumar who was also said to have been drawing line illegally for the last 12 years and was accused along with the petitioner and others in the same F.I.R. is dead for the last 12 years which would show that the F.I.R. is merely a table work.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in Medani Chowki P.S. Case No. 86 of 2013, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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