

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23379 of 2014

Arising Out of PS.Case No. -33 Year- 2014 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Santosh Singh @ Santosh Kumar Singh S/o Late Hiraji Singh Resident of
Village Samahuta, Police Station Mohania, District Kaimur (Bhabua).

.... Petitioner

Versus

1. The State of Bihar through, Secretary, South Bihar Power Holding Corporation Ltd.

2. South Bihar Power Holding Corporation Limited

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Siddharth Harsh, Advocate

For Opposite Parties : Mr. Anand Kumar Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 20-05-2015

Heard learned counsel for the petitioner and learned counsel for the opposite party-South Bihar Power Holding Corporation Limited.

2. The petitioner apprehends his arrest for the offences alleged under Section 135 of the Electricity Act registered in connection with Mohania P.S. Case No.33 of 2014.

3. The accusation is that in course of raid conducted on 06.02.2014 by the officials of the opposite party no.2, the petitioner was found indulging in theft of electricity.

4. It is submitted on behalf of the petitioner that as a matter of fact, the petitioner runs a seasonal mini rice mill which ordinarily operates between January and April for which he had obtained electric connection since 2007. It is also submitted that he has regularly been making payment of the electricity bills, as and when due, the last bill for Rs.1 lac 76 thousand cleared on 17.01.2014. In any event, it is stated that the petitioner is prepared to make payment of Rs.50,000/- against the amount of loss said to have been caused to the opposite party- Corporation and he

undertakes to abide by the final assessment made by the Corporation subject to remedy under law.

5. Learned counsel appears on behalf of the opposite party-Corporation and has been heard.

4. Considering the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the petitioner (Santosh Singh @ Santosh Kumar Singh) be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 33 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and subject to payment of Rs.50,000/- by the petitioner to the account of the Assistant Electrical Engineer, Electric Supply Sub-Division, Kaimur at Bhabua, which payment shall be subject to final assessment by the authorities.

(Vikash Jain, J)

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