

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9920 of 2014

Arising Out of PS.Case No. -165 Year- 2013 Thana -KUCHAIKOTE District- GOPALGANJ

=====

Niraj Sharma @ Niraj Kumar Sharma, son of Om Prakash Sharma, resident
of village-Sirisia Sasamusa, P.S.-Kuchaikot, District-Gopalganj.

.... Petitioner/s

Versus

1.State of Bihar

2.Bihar State Electricity Board, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Satyavrat Verma (App)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 25-06-2015 Kuchaikot P.S. Case No. 165/2013 was registered

against the petitioner alleging offences punishable under sections

135 and 138 of the Electricity Act. The allegation was that the

petitioner was drawing power unauthorizedly from the Main.

Apprehending his arrest, the petitioner filed A.B.P. no.

1765 of 2013 in the court of Sessions Judge, Gopalganj. The trial

court dismissed the same through the order dated 16-1-2014.

Hence , this application.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The only allegation against the petitioner is that he

pilfered power. The Electricity Supplier have power to recover the

amount representing the pilferage, and prosecution in addition to

such step. This Court is of the view that the arrest of the petitioner

does not warrant.

This application is allowed. In the event of arrest, the petitioner above named shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj, in connection with Kuchaikot P.S. Case No. 165/2013(G.R. No. 2445/2013) , subject to the conditions as laid down under section 438(2) Cr.P.C.

This order will not, however, preclude the concerned Department to recover the amount representing the cost of the power said to have been pilfered.

(L. Narasimha Reddy,CJ)

B.Roy/-

U			
---	--	--	--