

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23091 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -BELAGANJ District- GAYA

1. Sanjay Singh son of Sri Dinanath Singh,

.... Petitioner/s

Versus

1. The State of Bihar.

2. South Bihar Power Distribution Company Limited, Vidyut Bhawan
Bailey Road, Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. P.K.Chaurasiya(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 24-07-2015

Heard learned counsels for the petitioner and the North

Bihar Power Distribution Company Limited.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 135 of the Electricity Act.

The accusation is of running flower mill unauthorisedly without having three phase connection causing loss to the tune of Rs.2,97,640/-

It is submitted by learned counsel for the petitioner that though specific case of the prosecution is that three phase motor was being run but the seizure list does not reflect recovery of three phase motor or starter etc.. Moreover, during investigation, it is admission of the electrician of the Power Distribution Company that three phase line/supply commenced from 28.02.2015 and this

contention of the petitioner has not been controverted by learned counsel appearing for the South Bihar Power Distribution Company Ltd.. Hence, it is submitted that the loss calculated amount is absolutely imaginary.

It is submitted by learned counsel for the South Bihar Power Distribution Company Ltd. that the petitioner found consuming electricity energy unauthorizedly.

However, the petitioner is ready to deposit 35% of the alleged amount to the Assistant Electric Engineer, for the South Bihar Power Distribution Company Ltd., Gaya within a period of three months, which will be subject to assessment/ compounding proceedings.

Considering the present stand of the petitioner, let him be released on provisional anticipatory bail for a period of three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Electricity, Magadh Division, Gaya in connection with Belaganj P.S. Case No. 49 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed

by the lower court below on filing substantial proof with regard to
deposit of 35% of the alleged amount.

Ashwini/-

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(Dinesh Kumar Singh, J)