

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52135 of 2015

Arising Out of PS.Case No. -159 Year- 2015 Thana -DAGARUA District- PURNIA

- 1. Md. Jahoor Alam Son of S.K. Yaseen
- 2. Tauhid, son of S.K. Hasimuddin
- 3. Md. Miraj, Son of Maulvi Farid
- 4. Mamul Raza, son of Jamsid Alam
- 5. Gulam Rabbani @ Rabbani Son of Abdul Gaffar
- 6. Sayeedul, son of Abul, All resident of village- Singhia, P.S. Dagarua, District- Purnea

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. North Bihar Power Distribution Co. Ltd.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Ritambhara

For the Opposite Party/s : Mr. Akbar Ali(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-12-2015 Heard learned counsel for the petitioners, learned counsel for the North Bihar Power Distribution Comp. Ltd, Patna and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dagarua P.S.Case No. 159 of 2015 registered for offence punishable under Sections 135 of the Electricity Act.

The prosecution case on the written report of Junior Electrical Engineer, Baisi, stating therein that on 14.07.2015 he alongwith some officials of Electricity Board in course of checking of illegal connection of electric wire, the raiding party



reached at village- Singhia and found that accused Md. Jahoor Alam (petitioner No. 1) was consuming electric energy in his shop by connecting electric wire from his domestic connection which caused loss to the Electricity Board. Apart from this, accused Tauhid, Md. Miraj, Mamul Raza, Ghulam Rabbani and Sayeedul (petitioner Nos. 2 to 6 respectively) were also found consuming electric energy in their shops by connecting electric wire from L.T. Line and the Electricity Department thus sustained loss. Thereafter, the raiding party seized electric wire from the premises of the accused persons.

It has been submitted by the learned counsel for the petitioners that the F.I.R. has been lodged on 14.07.2015 but the electric connection was given in the said locality on 18.06.2015, hence the consumption was for nearly a month and the petitioners are the poor people of the village who have no criminal antecedents.

It has been submitted by learned counsel for the North Bihar Power Distribution, Com. Ltd. that the petitioners had taken domestic connection but they were using illegally electric energy for shops, which caused loss of Rs. 17078/- with regard to petitioner Nos. 1, 3, 5 and 6 and Rs. 34,412/- with respect to petitioner Nos. 2 and 4.

In the event of the petitioners depositing 50 % of the loss as assessed by the Company within six weeks from today, let the above named petitioners, in the event of their arrest or surrender before the Court below within a period of eight weeks from today 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, Purnea in connection with Dagarua P.S.Case No. 159 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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