

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16327 of 2015

Arising Out of PS.Case No. -566 Year- 2013 Thana -ARARIA District- ARRARIA

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1. Arun Kumar Son of Umesh Ray resident of Village- Aga Nagar, P.O-
Purushottampur, Ps.- Maniyari, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. North Bihar Power Distribution Company Ltd. through Assistant
Electrical Enginner electric Supply sub division Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Renuka Ratnakar (APP)
For the Opp.Party no.2 : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-06-2015

Heard learned counsel for the parties.

The petitioner seeks his bail in Araria P.S. Case No.566
of 2013 registered under Section 135 of the Electricity Act.

The informant has made allegation against the petitioner
that he along with others were committing theft of electricity
energy using underground PVC pipe illegally and tapping from
L.T. line.

It has been submitted on behalf of the petitioner that the
petitioner is an employee to a Sub-contractor of Aircel, who had
erected a Tower. The job of the Sub-contractor is to maintain the
Optical Fiber Connection of the Tower which is owned by the
Aircel. Except for this, the petitioner had no other job to do. It is
further submitted that on the mistake of fact, he has been made
accused in the present case.

On behalf f the Electricity Board, it has been submitted
that the petitioner was also found present at the place of

occurrence when it was detected that a theft of electricity was being made for the purpose of running the Tower.

Considering the fact that the petitioner is an employee of the Sub-contractor, who was present there for the maintenance of the Optical Fiber Connection, the petitioner, named above, is directed to be released 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, Araria, in connection with Araria P.S. Case No.566 of 2013 (G.R.No.3099 of 2013).

It is further noted that surprisingly the land owner, on whose land the Tower has been erected, has not been made accused in the present case, whereas the case is of theft of electricity energy for running the Tower. The responsibility is of the owner of the land on whose land the Tower is erected. As such, if so advised, Opposite Party No.2, North Bihar Power Distribution Company Limited may take necessary steps for impleading the owner of the land an accused in the present case.

(Sudhir Singh, J)

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