

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38054 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -PANAPUR District- SARAN

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1. Harendra Singh S/o Ram Nigah Singh, R/o village- Dhenuki, P.S.-
Panapur, District- Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. North Bihar Power Distribution Co. Ltd. Division Marhaura, Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Ram Binod Singh

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

For Opposite Party : Mrs. Archana Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 18-09-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out
of Panapur P.S. Case No. 62 of 2015, disclosing offences under
Section 135 of the Indian Electricity Act.

Learned counsel for the petitioner has submitted that
the petitioner is the lessor of the premises in question, leased out
to Bharti Infratel Limited for the purpose of erecting and operating
a mobile tower. He submits that as per the lease agreement, the
said Company was required to obtain separate electric connection.
He further submits that if any offence under the Electricity Act is

made out, the same is made out against the Company and its officials and not against this petitioner.

Learned counsel appearing on behalf of North Bihar Power Distribution Company Limited Division, Marhaura, Saran, while vehemently opposing the prayer for anticipatory bail, has submitted that it was incumbent upon the petitioner to have ensured that there was no theft of electricity in the premises, owned by him.

Having considered the rival submissions and keeping in view the nature of allegation, I am of the considered opinion that no tangible purpose would be served, if the petitioner is taken into custody. The Court expects that the petitioner shall cooperate with the police in course of investigation.

In view of the above, this application is allowed. Let petitioner above named in the event of his arrest or surrender within six weeks from today in the Court below, 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 Sri D.K. Tiwari, Judicial Magistrate, Chapra in Panapur P.S. Case No. 62 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall

present himself before the police/Court, as the case may be, and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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