

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43916 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -SHEKHPURA District- SEKHPURA

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1. Santosh Kumar Son of Shree Ramashish Singh, Resident of Village:-
Bijokhri, P.S:- Telhara, District:- Nalanda. Petitioner/s
Versus

1. The State of Bihar.
2. The Bihar State Electricity Board Bihar Patna. (South Bihar Power
Distribution Co.Ltd) Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the State : Mrs. Gulnar Begum(App)
For the SBPDC : Mr. Sanjeev Nikesh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 09-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Section 406 of the Indian Penal Code.

The petitioner is a contractor. The South Bihar Power
Distribution Company entered into an agreement with the
petitioner for providing 18 Operators and 6 Field Officers to
supervise and maintain uninterrupted power supply in the area.
The petitioner is liable to make payment according to different
labour and EPF laws to his employees. The Executive Engineer or
the South Bihar Power Distribution Company is not at all, under
the agreement, have any right to enforce the payment of salary or
other allowances to the employees of the petitioner. The Executive
Engineer filed this case alleging that the petitioner failed to make

payment of salary to his six employees.

From the perusal of the agreement, it appears that the Company is not at all responsible and the Company has taken the employees on the basis of outsourcing and the petitioner is liable to make payment. If any employee of the petitioner did not get salary, he may take the legal recourse and the Company has got no right under the agreement to lodge the case against contractor for non-payment of salary.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to 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 the learned Chief Judicial Magistrate, Sheikhpura in Sheikhpura P.S. Case No. 42 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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