

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47867 of 2014

Arising Out of PS.Case No. -404 Year- 2013 Thana -BARACHATTI District- GAYA

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1. Niranjana Kumar Son of Late Dukhi Ravidas
2. Santosh Kumar @ Chhotu Son of Late Nageshwar Ravidas Both R/o
village- Matihani, P.S.- Mohanpur, District- Gaya

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 05-11-2015 Heard Mr. Sanjeev Kumar the learned counsel for the

petitioners, Mr. Vinay Kirti Singh, learned counsel for the South
Bihar Power Distribution Company Ltd. and the learned APP.

The petitioners apprehend their arrest in registered for
the offence punishable under Section 135 of the Electricity Act.

The informant Assistant Electrical Engineer Supply
Division, Gaya alleged that on 27.08.2013 the informant raided
the industrial premises of Niranjana Kumar and Santosh Kumar
where Niranjana Kumar was present inside the premises. After
inspection, it was found that Niranjana Kumar and Santosh Kumar
were consuming electrical energy without having valid connection
and they were using a motor and the total load of the motor and
the premises was 10.40 hp. The petitioners have caused loss of Rs.

2,79,110/- to the South Bihar Power Distribution Company Ltd.

Learned counsel for the petitioners submits that the owner of the premises is Tara Rani Devi. The petitioners are not the owner of the premises. Tara Rani Devi is wife Gannu Ravidas who is working in a bank. There is nothing on record to show that the petitioners were running the flour mill. It is further submitted that the A.S.I. held an enquiry and found that Dukhi Ravidas got four sons namely Nageshwar Ravidas, Sanju Ravidas, Niranjana Ravidas petitioner no. 1 and Gannu Ravidas. Santosh Kumar @ Chhotu petitioner no. 2 is the son of Nageshwar Ravidas. The house was constructed by Gannu Ravidas, husband of Tara Rani Devi. Other brothers of Gannu Ravidas were demanding for partition and that is why the petitioners have falsely been implicated in this case.

On the other hand, Sri Vinay Kirti Singh, learned counsel for the South Bihar Power Distribution Company Ltd. as well as the learned APP, however, opposed the prayer for anticipatory bail of the petitioners.

It appears that the informant and other officials of the South Bihar Power Distribution Company Ltd. inspected the premises and found Niranjana Kumar petitioner no. 1 and Santosh Kumar @ Chhotu petitioner no. 2 inside the mill premises. They

were committing theft of electrical energy. From the report of the A.S.I., it would appear that the same house was a joint family property in which the flour mill is running and the petitioners were committing theft of electrical energy and caused a loss of Rs. 2,79,110/- to the South Bihar Power Distribution Company Ltd.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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