

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37413 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -KHAIRA District- JAMUI

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1. Thakuri Yadav son of Nuneshwar Yadav, resident of village Jaljog, P.S. Khaira, Dist. Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. Surendra Nath Upadhyay, S/o Sri Ram Pyare Upadhyay, Assistant Electrical Engineer, Electric Supply Sub Division, Jamui

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr. S.M. Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 135 of the Electricity Act.

The accusation is of consumption of electricity energy unauthorisedly. The loss has been calculated to the tune of Rs. 1,02,849/-.

It is submitted by the learned counsel for the petitioner that accusation is of running flour mill by 5 H.P. Motor, but neither the motor was seized nor any other equipment suggesting the running of flour mill.

Mr. Vinay Kirti Singh, learned counsel for the South Bihar Power Distribution Company submits that the

petitioner was caught while consuming commercial energy unauthorisedly and running flour mill.

Considering the rival submission of the parties, let the petitioner deposit 35% of the alleged loss amount before the concerned authority of South Bihar Power Holding Distribution Company. The above deposit will be subject to assessment or compounding interest.

On deposit of 35% of the loss calculated amount, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri U.K. Pandey, Judicial Magistrate, Ist Class, Jamui in connection with Khaira P.S. Case No. 64 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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