

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9788 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -CHANDAULI District- GAYA

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Rajiv Ranjan Kumar Son of Ganauri Prasad, Proprietor of M/s Sharda Rice Mill, Resident of Village - Kewali, P.S. - Chandauti, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Limited, Bihar at Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner: Mr. N.K. Agrawal, Sr. Advocate with
Mr. Sumeet Kumar Singh

For the Opposite Party-State: Mr. Nand Kishore Prasad, A.P.P.

For the Opposite Party no.2: Mr. A.K. Ojha and
Mr. A.K. Karna, Advocates.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 22-06-2016 Heard both sides.

The petitioner apprehends his arrest in Chandauti P.S. Case No. 28/2016 registered under Sections 135/138 of the Electricity Act.

A raid was conducted and the petitioner was found committing theft of electrical energy in his rice mill. The informant alleged that the petitioner has caused loss of Rs. 17,78,355/- to South Bihar Power Distribution Company Limited by committing theft of electrical energy. It is submitted that an amount of Rs. 2,99,960/- is lying due against the petitioner from before. The petitioner is ready to deposit the aforesaid amount of Rs. 2,99,960/- within two months and the petitioner shall pay 25%

of the amount of Rs. 17,78,355/- lying due against him on account of theft of electrical energy allegedly committed by the petitioner within four months thereafter.

Learned counsel appearing on behalf of the South Bihar Power Holding Company Limited did not object for grant of anticipatory bail if the petitioner deposits the aforesaid amounts and appears before the Company for settlement of the dispute according to the Electricity Act.

The occurrence of theft of electrical energy is compoundable subject to payment of fine on the principal amount of loss caused to the Company.

Having regard to the facts aforesaid, 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 Special Judge (Electricity), Magadh Area, Gaya in Chandauti P.S. Case No. 28/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further conditions that the petitioner shall deposit Rs. 2,99,960/- within two months from today and 25% of the amount

of Rs. 17,78,355/- lying due against him on account of theft of electrical energy within four months thereafter.

In the event the petitioner fails to deposit the aforesaid amounts within the stipulated period, the learned court below shall cancel the bail bonds of the petitioner.

It is made clear that the deposits made by the petitioner shall be subject to the result of settlement of the dispute.

(Prabhat Kumar Jha, J)

Dilip/-

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