

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5359 of 2016

Arising Out of PS.Case No. -116 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

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Ramashish Maurya @ Birendra Singh Son of Ram Bilash Maurya Resident
of Village- Masai PS- Chainpur, at present Village- Manghgoi, PS- Chand
Distt- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar
2. South Bihar Power Distribution Company Ltd., Kimur
3. Electrical Executive Engineer, Electric Supply Division, Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate
For the Opposite Party/s : Mr. J.N.Thakur(APP)
For O.P. Nos. 2 and 3 : Mr. Padma Deo Narayan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-03-2016 Learned counsel for the petitioner is permitted to
make necessary correction in the cause title of Opposite Party
No.3.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Chand P.S. Case No. 116 of 2015 registered for offence
punishable under Section 135 of the Electricity Act.

The prosecution case, as lodged by the Assistant
Electrical Engineer, Electricity Supply Sub-Division, Bhabhua, in
brief, is that on 25.11.2015 he got information that one Baby Devi
and her son died due to electrocution in village Manjgai. On the

said information, he reached there and inspected the spot where he found that petitioner was running stone chips business by hooking naked aluminium wire on direct transmission line, causing loss of Rs. 76,185/- to South Bihar Power Distribution Company Ltd.

It has been submitted by the counsel for the petitioner that petitioner is innocent and has committed no offence, as he is a bona fide consumer of the Electricity Department and is paying electricity bill every month to opposite party no.3 and in support thereof, he has filed supplementary affidavit enclosing those bills.

However, learned counsel for the opposite party nos. 2 and 3 submits that the petitioner is not a consumer of the Electricity Department and from perusal of Annexure-3 of the supplementary affidavit filed by the petitioner, it appears that he had applied for connection in March, 2015 and deposited money towards purchase of meter and before the occurrence he has not been sent a single bill showing that he is a consumer of Electricity Department. He further submits that the loss assessed by the Department is Rs. 76,185/-, which the petitioner is liable to pay.

Learned A.P.P. for the State submits that the petitioner had installed naked wire in his business premises resulting in electrocution of two persons and opposes the prayer for bail.

However, learned counsel for the petitioner submits that

petitioner is ready to deposit 25% of the loss assessed of Rs. 76,185 within two weeks, with opposite party no.3, the Electrical Executive Engineer, Electric supply Division, Kaimur and he will produce receipt thereof before the learned Court below within the aforesaid period of two weeks.

Under such circumstances and on such undertaking, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabhua at Kaimur in connection with Chand P.S. Case No. 116 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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