

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7450 of 2016

Arising Out of PS.Case No. -54 Year- 2015 Thana -DESARI District- VAISHALI(HAJIPUR)

Subodh Kumar Singh son of Deoki Singh, Resident of Village- Chandpura
Nehkher, P.S.- Desari (Chandpura O.P.), Dist- Vaishali.

.... Petitioner

Versus

1. The State of Bihar

2. The Managing Director, North Bihar Power Distribution Company Ltd.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr.Adv.
Mr. Sabal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

For the Company : Mr. Anand Kumar Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 16-03-2016 Heard learned counsel, appearing on behalf of the

petitioner, learned Addl. Public Prosecutor, appearing on behalf of

the State and Mr. Anand Kumar Ojha, learned counsel for

Opposite Party No.2.

This application for grant of anticipatory bail arises out of
Desari (Chandpura) P.S. Case No. 54/2015, disclosing offences
under sections 135, 138 of the Electricity Act.

It is alleged that in course of raid conducted by the officials
of North Bihar Power Distribution Company Limited, theft of
electricity, for running Bharti Infratel (Airtel) tower at Desari
(Chandpura), was detected leading to institution of Desari
(Chandpura) P.S.Case No. 54/2015. It is alleged that the theft
caused revenue loss to the tune of Rs.5,67,446/- was caused to the

North Bihar Power Distribution Company.

The petitioner was found to be working Night-guard of the said Airtel tower. Learned Senior counsel, appearing on behalf of the petitioner, submits that merely on the basis that he was found working as Night-guard, he could not be held responsible for the theft of electricity.

Mr. Anand Kumar Ojha, learned counsel, appearing on behalf of the Company, on the other hand, while opposing the prayer for anticipatory bail, has submitted that the petitioner himself had taken a plea before the court of learned Sessions Judge, Vaishali while seeking anticipatory bail that he was the lessor of the land, leased out to Bharti Infratel Pvt. Ltd. (Airtel). He, accordingly, submits that the petitioner cannot be absolved of his liability.

However, considering the nature of accusation and the fact that there is no likelihood of the petitioner fleeing from the course of justice, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, be released 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 Chief Judicial Magistrate, Vaishali at Hajipur in

Desari (Chandpura) P.S.Case No. 54/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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