

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9732 of 2015

Arising Out of PS.Case No. -22 Year- 2015 Thana -ARARIA District- ARRARIA

1. Harish Chandra Yadav Son of Late Mahendra Prasad Yadav R/o Ward
No. Om Nagar, Araria, P.S. Araria, District Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
With Mr. Saket Tiwary

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

For AIRCELL : Mr. Sanjeev Kumar, Advocate

For ACME : Mr. Rajiv Ranjan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

8 02-02-2016 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor appearing on behalf of the State, Mr.
Sanjeev Kumar, learned counsel appearing on behalf of AIRCEL
and Mr. Rajeev Ranjan Prasad, learned counsel appearing on
behalf of ACME.

This application for grant of anticipatory bail arises out of
Araria P.S. Case No. 22 of 2015, disclosing offences under
Section 138 of the Electricity Act.

The petitioner is said to be the owner of the land which a
mobile tower has been installed. Aircel provides services, through
the said mobile tower which is maintained by a company, namely,



ACME, Jyoti Bhawan, Patna. The Aircel Company and the said ACME have been impleaded as Opposite parties No. 3 and 4 in the present application. The petitioner has been made accused on the basis of raid conducted by the officials of Bihar Electricity Board in course of which they found illegal taping of electric energy through P.V.C. wire from L.T. line which is said to have caused loss to the tune of Rs. 11,61,616/- to the Bihar Power Distribution Company Limited.

Learned counsel appearing on behalf of the petitioner submits that admittedly the said premises have been let out in favour of Aircel Company.

Mr. Rajiv Ranjan Prasad, learned counsel appearing on behalf of Opposite party no.4 submits that admittedly the mobile tower is maintained by ACME. He, however, submits that the petitioner, who is the landlord has been appointed as Security Guard by Aircel and he has also been assigned the duty to ensure that the regular energy is supplied and the properties of Aircel/ACME are protected. He submits that in order to ensure constant energy supply, the ACME makes payment to the petitioner. He has produced before me the receipts in support of payments made to the petitioner.

Considering the submissions advanced on behalf of the

parties, it is difficult to say at this stage that the petitioner is direct beneficiary of the theft of electricity, if any, though it is a matter for investigation.

In the facts and circumstances of the case, I consider it to be a fit case for grant of anticipatory bail. This application is, accordingly, allowed.

Let the petitioner, above-named, in the event of his arrest or 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 learned Chief Judicial Magistrate, Araria in Araria P.S. Case No. 22 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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)

ArunKumar/-

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