

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22411 of 2016

Arising Out of PS.Case No. -290 Year- 2015 Thana -RAJAULI District- NAWADA

- =====
1. Mahesh Singh
 2. Umesh Singh @ Umesh Prasad Singh, Both sons of Late Baleshwar Prasad Singh, resident of village- Chhapra, P.S.- Rajauli, District- Nawada

.... Petitioners

Versus

1. The State of Bihar
2. The South Bihar Power Distribution Company Limited through its Managing Director, Bihar, Patna

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Manish Kumar No-2
For the Opposite Parties : Mr. Uday Chandra Prasad (APP)

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2 24-05-2016 Petitioners apprehend their arrest in relation to Rajauli P.S. Case No. 290 of 2015 registered under Sections 135 of the Electricity Act,

The allegation is that when the inspecting team of South Bihar Power Distribution Company Limited, conducted raid at several houses at Rajauli, they found that they were unauthorisedly using electricity, even after disconnection. They unauthorisedly used wires and for such unauthorized obstruction, the present F.I.R. has been filed.

Sri Manish Kumar, learned counsel appearing on behalf of the petitioners submits that though the F.I.R. was said to



have been lodged on 18.12.2015, they were received in the court of Special Judge, after four days i.e. 22.12.2015. Further he drawn attention of this court towards the seizure list, where allegedly the consumers' thumb impressions were taken and there are other corrections in the seizure list. He submits that all these allegations are self-serving and concocted allegations. There are no independent witnesses. It is the officer of the electric company, who falsely implicated him.

On the other hand learned counsel for the South Bihar Power Distribution Company submits that the petitioners and others have caused huge loses to the company by unauthorized user of electricity.

Having considered the matter, whether the users were unauthorized or not, that question is to be decided at the stage of trial.

So far as loss is concerned, there is procedure under the Act itself for preliminary assessment in cases of unauthorized uses, the South Bihar Power Distribution Company Limited is free to take resolve to the aforesaid procedure, for recovery of amounts as permitted to it, by the law.

Be that as it may, in the event of their arrest/surrender before the court below within four weeks, let the

above named petitioners be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Special Judge (Electricity) Magadh Area, Gaya, in connection with Rajauli P.S. Case No. 290 of 2015, subject to conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Navaniti Prasad Singh, J.)

Rajiv/Amit

U		T	
---	--	---	--