

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45743 of 2015

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

Sanjay Kumar @ Sanjay Singh, son of Late Baliram Sharma, ACME Cleantech Solutions Ltd., resident of 20/A/2, Near Ruban Hospital, Ground Floor, Patliputra Colony, P.S. Patliputra, Town & District Patna.

.... Petitioner.

Versus

- 1. The State of Bihar.
- 2. North Bihar Power Distribution Corporation Ltd., through Assistant Electrical Engineer, Electric Supply Sub-Division, Araria.

.... Opposite Parties.

Appearance :

- For the Petitioner : M/S. Rajeev Ranjan Prasad & Sudhanshu Trivedi, Advocates.
- For the State : Mr. Anil Kumar (App)
- For the O.P. No. 2 : Mr. Padma Deo Narayan, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-02-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Araria P.S. Case No. 22 of 2015 for the offences instituted under Section 138 of the Electricity Act, 2003.

The prosecution story, in brief, is that the accused were committing theft of electric energy tapping P.V.C. wire from L.T. line without meter causing loss of Rs.11,61,616 to the North Bihar Power Distribution Company Ltd.. The raiding party seized 265 meters P.V.C. wire from the place of occurrence.

A counter-affidavit has been filed on behalf of North Bihar Power Distribution Co. Ltd., let it be kept on the record.

It has been submitted on behalf of the petitioner that from perusal of the FIR itself it would appear that the petitioner has been made accused in the present case due to mistake of fact. The petitioner is an employee of sub-contractor who has got an agreement with *Aircel Telecom* for operation and maintenance of Mobile Tower. It is further submitted that the petitioner is ready to deposit 50% of the alleged amount i.e., 5,80,808/- in the learned court below which shall be subject to final disposal of the case.

On behalf of the learned counsels for the North Bihar Power Distribution Company Ltd. and the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit 50% of the alleged amount i.e., 5,80,808/- in the learned court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Araria P.S. Case No. 22/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the

learned C.J.M., Araria, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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

(Sudhir Singh, J)

