

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46847 of 2015

Arising Out of PS.Case No. -312 Year- 2015 Thana -SUPAUL District- SUPAUL

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Shyam Kumar, Son of Shri Satya Narayan Purvey, R/o Koshi Road Mali Tola, Ward No. 17, P.S. + District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Electricity Board through its Chairman, now NBPDC through its M.D., Vidyut Bhawan, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. Zainul Abedin(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 15-02-2016 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the North Bihar Power Distribution Company Limited.

The petitioner is apprehending his arrest in connection with Supaul P.S. Case No.312 of 2015 for allegedly having committed the offence under Section 135 of the Indian Electricity Act.

Case diary in the present case was called for, which has since been received.

Learned counsel for the petitioner submits that though the petitioner had paid his electricity dues for the meter, which is in the name of his mother and annexed an up-to-date



receipt, the opposite party-North Bihar Power Distribution Company Limited with malicious intention raided the premises of the petitioner and in his absence, recovered some wires from his premises. He further submits that though the petitioner is not bypassing the meter, he is now ready to deposit 25% of the alleged amount and that if the allegation of theft of electricity is found to be unfounded, the same shall be adjusted from his future dues.

Learned counsel appearing on behalf of the North Bihar Power Distribution Company Limited submits that the petitioner was found to have bypassed the meter and wire was recovered from his premises.

However, learned counsel for the State after perusal of the case diary submits that though the wire may be recovered from his premises, there is no independent witness and the witness named in the F.I.R. has not been examined, rather two other witnesses, who are not named in the seizure list, have been examined. However, the statement of the seizure list witness was not taken.

Considering all the facts and circumstances of the case and in view of the fact that the petitioner has made an undertaking to this Court that he shall deposit 25% of the

alleged amount, which shall be subject to the result of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul, in connection with Supaul P.S. Case No.312 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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