

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35722 of 2016

Arising Out of PS.Case No. -180 Year- 2015 Thana -RAHIKA District- MADHUBANI

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1. Rajendra Kumar Sah @ Rajendra Sah @ Rajesh Sah Son of Sri Yogendra Sah Resident of Village- Kapileshwar Ashtan, P.S. Rahika, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 18-10-2016

Heard both sides.

The petitioner apprehends his arrest in Rahika P.S. Case No. 180 of 2015, registered for the offences punishable under Sections 323, 341, 353 and 427 of the Indian Penal Code and Section 135 of the Electricity Act.

The informant, Junior Engineer, Electricity Supply Sub-Division, Madhubani (Gramin), alleged that he along with his team made inspection of the welding shop of the petitioner and found that 8KW/11H.P. motor was being run by connecting wire from the main line bypassing the meter and thereby the petitioner caused loss of Rs. 4,78,296/- to the North Bihar Power Supply Company. It is further alleged that the petitioner went

upon to assault the informant and others when he was asked to disconnect the main line.

Learned counsel for the petitioner submits that there is a counter version being Rahika P.S. Case No. 22 of 2016. The informant did not appear on any date before the Assistant Engineer, Electricity Supply Sub-Division, Madhubani. The petitioner is ready to pay 25% of the amount and rest of the amount shall be paid after disposal of the case.

Learned counsel for the North Bihar Power Supply Company opposed the prayer for anticipatory of the petitioner and submitted that the petitioner committed theft of energy of worth Rs. 4,78,296/-. There is a provision for compounding the offence under Section 152 of the Electricity Act. If the petitioner deposits the entire amount, he has got no objection. It is further submitted that the petitioner also tried to manhandle with the informant when the inspection was being made.

Having considered the allegations made against the petitioner, if the petitioner deposits 50% of the amount i.e. Rs. 4,78,296/- within two months and the remaining amount of Rs. 4,78,296/- shall be deposited after four months into two equal installments in the account of North Bihar Power Supply Company, 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, is directed to be enlarged 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 Additional Chief Judicial Magistrate I, Madhubani in connection Rahika P.S. Case No. 180/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the petitioner fails to deposit any installment within the stipulated period, learned court below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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