

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36217 of 2016

Arising Out of PS.Case No. -383 Year- 2015 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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1. Vijay Kumar Prasad son of Manibabu Prasad, resident of village- Areraj
Ward No.3, P.S.- Gobindganj, District- East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The Assistant Electrical Engineer, North Bihar Power Distribution
Company Ltd. Sub-Division, Areraj, P.S.-Gobindganj, District-East
Champaran

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-10-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Gobindganj P.S. Case No. 383 of 2015
registered for the offences punishable under Sections 135 and
138 of the Electricity Act, 2003.

Learned counsel for the petitioner submits that
altogether false and fabricated allegation has been made against
the petitioner, who was running Water Filtering Plant with the
help of generator. However, the concerned authorities of the
Electricity Holding Company have maliciously roped the

petitioner into this case as the petitioner has not given them gratification for releasing his electrical connection.

Learned counsel appearing on behalf of the Power Holding Company has filed the counter affidavit in the matter. He submits that the raid was conducted on 20.12.2015 and the petitioner was found committing theft of electrical energy in his Water Filter Plant by means of Toka hooking directly to the main LT line of NBPDCCL. As such, the Power Holding Company has suffered a wrongful loss of Rs. 1, 09, 713/-. He further submits that the photographs taken at the time of occurrence has also been annexed to the counter affidavit.

Learned counsel appearing on behalf of the petitioner, however, seriously opposes and states that such photographs are not conclusive proof of the allegations as made by the Power Holding Company. He further submits that the petitioner being a responsible citizen is willing to deposit 50% of the amount as alleged in the F.I.R., subject to the decision of the case in the court below.

Taking into consideration the assertion of the petitioner, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on

furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned 1st Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Gobindganj P.S. Case No. 383 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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