

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47584 of 2016

Arising Out of PS.Case No. -213 Year- 2013 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Dharmdeo Singh, son of Late Sitaram Singh, Resident of Mohalla North
Ashkamini Nagar, P.S. Bikaramganj, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The Managing Director, South Bihar Power (Holding) Corporation Ltd,
Vidyut Bhawan, Bailey Raod, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Harsh Anuj, Advocate
For the Opposite Party : Sri Aditya Narayan Singh 1
For the Opposite party no.2 Mrs. Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioner, learned

counsel for the opposite party no.2 and also learned counsel for

the State.

The petitioner apprehends his arrest in connection
with Bikramganj P.S. Case No. 213 of 2013, registered for the
offence punishable under Section 135 of Indian Electricity Act.

Allegedly, the petitioner being the proprietor of
Askamini Cement and Hardware, was found consuming electrical
energy stealthily from L.T. line by hooking and thereby caused
loss of Rs. 98,112/- (rupees ninety eight thousand one hundred
twelve) to the Electricity Department.

Submission is of false implication and that the



petitioner is the proprietor of the premises and not of the Askamini Cement and Hardware. The proprietor is the son of the petitioner and, as such, for the fault of his son the petitioner cannot be made liable.

The learned counsel for the opposite party no.2 on the other hand submits that the petitioner was found consuming electrical energy stealthily and, as such, he is responsible for the same and further the shop is in the name of his son.

In the facts and circumstances as stated above, finding the allegation attributed against the petitioner serious in nature, I am not inclined to grant privilege of pre-arrest to him and accordingly his such prayer stands rejected in connection with Bikramganj P.S. Case No. 213 of 2013, pending in the Court of learned Chief Judicial Magistrate, Rohtas at Sasaram.

(Jitendra Mohan Sharma, J.)

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