

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37332 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -KATORIA District- BANKA

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1. Niranjan Sah @ Niranjan Keshri son of Shankar Sah resident of Village-Katoria (Thana Road), P.S.- Katoria, District- Banka
 2. Hiralal Sona son of Birendra Kumar Bir resident of Katoria (Prakhand Colony) P.S.- Katoria, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. The South Bihar Power Holding Company Ltd. Through its Secretary Having its Office at Vidyut Bhawan, Bailey Road, Patna
3. The Executive Engineer Electric Supply Division, Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate

For the Opposite Party/s : Mr. S.M. Rahman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2016 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel appearing on behalf of Opposite Party Nos. 2 and 3, South Bihar Power Holding Company Pvt. Ltd and the Executive Engineer, Electric Supply Division, Banka.

The petitioners apprehend their arrest in connection with Katoria P.S. Case No. 14 of 2016 (G.R. No. 170/2016) registered for offences punishable under Sections 135 of the Electricity Act.

The prosecution case, as per the written report of Rishikesh Gupta, Junior Enginner, Electric Supply, Sub Division, Katoria, District- Banka is that on 15.01.2016 during raid in residential campus of petitioners they were found consuming

electricity illegally by hanging toka on the electrical pole causing loss of Rs. 50792.00 by each petitioner to the South Bihar Power Holding Company Ltd.

It has been submitted by the learned counsel for the petitioners that their fathers are consumers of the Power Holding Company Pvt. Ltd. and raid has been conducted violating the provisions contained in Section 100 of the Cr.P.C. and that seizure has not been prepared in accordance with law, as none of the independent witnesses has signed the same as also the seizure list had not been handed over either to the petitioners or their family members. He also undertakes to deposit the current bills as per meter reading and also Rs. 10,000/- each by the petitioner Nos. 1 and 2 as part payment on account of loss within a period of 15 days from the date of the receipt of the order.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Learned counsel appearing on behalf of the Opposite Party nos. 2 and 3 submits that the petitioners have been found indulged in theft of electricity, hence opposes the prayer for bail.

Be that as it may, since petitioners undertake to deposit current electrical bills as per meter reading as well as Rs. 1000/- as part payment on the account of loss, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.

10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, in connection with Katroia P.S.Case No. 14 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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