

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35496 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -KISHUNPUR District- SUPAUL

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1. Madan Jha, Son of Late Upendra Narayan Jha, resident of Village-
Abhuar, Ward No. 2, P.S- Kishanpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through North Bihar Power Distribution Company
Ltd.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Vinay Kirti Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 29-09-2016

Heard both sides.

The petitioner apprehends his arrest in Kishanpur P.S.
Case No. 79/2016, registered for the offences punishable under
Section 135 of the Electricity Act.

The informant, Assistant Electrical Engineer, with the
raiding party raided the location of Vodafone Tower situated to
the village Abhuar, Ward no. 2, Kishanpur. There was electric
connection in the Tower. The sanctioned weight was 12kw.
During course of enquiry, it was found that the transformer was
burnt in the month of December, 2014 but one LT line was
illegally connected in the Tower. The informant alleged the
petitioner being guard of the Vodafone Tower illegally connected

the line.

Learned counsel for the petitioner submits that the petitioner is simply a guard of the premises of Vodafone Tower. The petitioner did not connect any illegal line in Tower for LT line. He has been made accused but the petitioner is not beneficiary of theft of electric energy. The company has already deposited Rs. 49,23,200/- on 28.04.2016 before institution of the case.

Learned counsel for the North Bihar Electric Supply Company submitted that the informant has made specific allegation that it was the petitioner who was employed as Guard of Vodafone Tower illegally connected the LT line from the Tower and running the Tower by committing theft of electric energy and there was loss of Rs. 4,34,566/-.

It appears from perusal of the FIR itself that the petitioner is a guard and he did not get any benefit by committing any theft. The informant has not seen the petitioner connecting the LT Line from the Vodafone Tower. Nobody has seen the petitioner connecting line in the Vodafone Tower. The beneficiary is Vodafone Company whose tower was running on theft of electric energy but the informant has made the guard of the Company as accused instead of the high officials and

technicians of the Company who is responsible for running the Vodafone Tower.

Considering the facts aforesaid I find that the petitioner deserves anticipatory bail which is allowed, 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 Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 79 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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