

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11335 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -BODHGAYA District- GAYA

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Deepak Kumar, Son of Yogendra Thakur, R/o Village Kenari, P.S. Mohanpur, Distt. Gaya at present working as Manager, Vastu Vihar, Phase-II, P.S. Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. South Bihar Power Distribution Company Ltd., through its Managing Director, Vidhut Bhawan, Bailey Road, Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate.

For the Opposite Party/s : Mr. Dinesh Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 28-06-2016

Heard both sides.

The petitioner apprehends his arrest in Bodh Gaya P.S. Case No. 253/2015 registered under Section 135 of the Electricity Act.

The informant alleged that on inspection of the sites of the construction company Vastu Vihar, it was found that direct LT line from cable wire was connected and, on many places, wires were connected in the main line for committing theft of electrical energy. Many machines were also being run after committing theft of electrical energy. The petitioner was the Manager of the construction company and thereby caused a loss of Rs. 17,52,434/- to India Power Corporation (Bodh Gaya) Limited.

Learned counsel for the petitioner submits that the



petitioner is the Manager of the construction company Vastu Vihar. He is not liable to be prosecuted for commission of theft of electrical energy. The informant has not made the construction company or the Managing Director of the construction company as an accused but it appears that the petitioner was the In-charge of the construction company at the spot and the informant and other electrical officials found that electrical energy was being consumed clandestinely without any proper connection and thereby a huge loss is caused to the India Power Corporation (Bodh Gaya) Ltd. It is submitted that the construction company is ready to pay 40% of the estimated loss subject to the outcome of the proceedings held in accordance with the Electricity Act for settlement of the dispute and appeal thereafter.

Learned counsel for the opposite party no. 2 did not object if the petitioner construction company deposits 40% of the total estimated loss within two months from today.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of six 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 Special Judge, Electricity Magadh Area, Gaya in Bodh Gaya P.S. Case No. 253/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioner construction company shall deposit 40% of the total estimated loss of Rs. 17,52,434/- within a period of two months from the date of receipt of this order in the learned court below.

If the petitioner construction company fails to deposit 40% of the total estimated loss, as aforesaid, the learned court below shall cancel the bail bonds of the petitioner.

(Prabhat Kumar Jha, J)

Dilip/-

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