

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27113 of 2016

Arising Out of PS.Case No. -290 Year- 2015 Thana -RAJAULI District- NAWADA

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1. Ramchandra Prasad son of Late Dindayal Prasad
2. Ram Bilash Prasad son of Late Swaroop Mahto
Both are residents of village - Gariba, Police Station - Rajuali, District -
Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Limited through its
Managing Director, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-07-2016 Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Section
135 of the Electricity Act.

The prosecution case is that after disconnection
of electricity connection the petitioners were consuming
electricity energy for running Induction Motor and thereby
caused loss to the tune of Rs. 2,26,863 (by petitioner no.1)
and Rs. 2,54,922/- (by petitioner no.2).

It is submitted by the learned counsel for the
petitioners that the First Information Report was lodged on
18.12.2015 but the same reached to the court of learned



Sessions Judge on 22.12.2015 which suggests that First Information Report was registered by ante dating. The seizure list does not bear signature or thumb impression of the petitioners. Hence, the electricity company has falsely implicated the petitioners.

Mr. Vivek Kumar, learned counsel for the South Bihar Power Distribution Company Limited submits that the petitioners have caused huge loss to the company by consuming electricity energy unauthorisedly.

It is further submitted by the learned counsel for the petitioners that Inspecting team of South Bihar Power Distribution Company Limited conducted raid at several houses when the common First Information Report has been lodged. Similarly situated co-accused Mahesh Singh and Umesh Singh @ Umesh Prasad Singh have been granted bail by a Coordinate Bench of this Court vide Cr. Misc. No. 22411 of 2016. Keeping in view of the fact that there is procedure in the Act for preliminary assessment in cases of unauthorized uses, hence, the Sourth Bihar can report to said procedure for recovery of amount.

Keeping in view of the fact that for recovery of the loss caused and the assessment can be made by the South Bihar Power Distribution Company.

Considering the fact that the similarly situated accused persons have been granted bail by a

Coordinate Bench of this Court and statement has been made in para-3 of the petition that petitioners have no criminal antecedent, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Electricity), Magadh Area, Gaya in connection with Rajauli P.S. Case No. 290 of 2015, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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