

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46668 of 2016

Arising Out of PS.Case No. -176 Year- 2014 Thana -CHANDAULI District- GAYA

Devendra Kumar, Son of late Shiv Shankar Mishra, resident of Village- Jamune, Police Station- Chandauti, District Gaya.

.... Petitioner

Versus

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

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.
For the State : Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-11-2016 Heard learned counsel for the petitioner and learned counsel for the SBPD Co. Ltd.

The petitioner is apprehending his arrest in connection with Chandauti P.S. Case No. 176 of 2014 for the offences instituted under Section 135 of the Electricity Act.

The prosecution story, in brief, is that the informant raided the residential house of the petitioner and found that his Electricity Connection No. C6054/GR93575/LTIS1 was disconnected on 24.01.2014 because of non-payment of arrear amount of Rs. 76,706.93 but it was found that the petitioner was using the electricity with the help of Toka from nearby L. T. line of three phase and thereby the S.B.P.D. Co., Ltd., has sustained a

revenue loss of Rs. 67,948.00.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witness alleged against the petitioner. He has falsely been implicated in the present case. Nothing incriminating article is said to have been recovered from his possession. As per the allegation, electricity theft is for Rs.67948.00. It is further submitted that the petitioner is ready to deposit an amount of Rs. 67948.00 within a period of three months in three equal instalments before the competent authority of opposite party no. 2.

On behalf of the learned counsel for the opposite party no. 2, it has been submitted that if the aforesaid amount is deposited by the petitioner the same will be accepted by the concerned authority and necessary receipt shall be issued in respect to deposit made by the petitioner.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 67948/- before the competent authority of opposite party no. 2 within a period of three months in three equal instalment, let the petitioner above named, be released on provisional bail for a period of three months in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection

with Chandauti P.S. Case No. 176 of 2014 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner submits the receipt in respect to deposit of an amount of Rs. 67948/- within the said period, the provisional bail granted to the petitioner shall be confirmed by the court below. If the said amount is not deposited within the stipulated period, the learned court below will be at liberty to cancel the provisional bail granted to the petitioner.

U.K./-

(Sudhir Singh, J)

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