

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10574 of 2017

Arising Out of PS.Case No. -166 Year- 2016 Thana -VISHNUPAD District- GAYA

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1. Jitendra Kumar @ Jitendra Kumar Prajapati, Son of Late Tulsi Prajapati,
resident of Mohalla- Karsilli, Police Station- Vishnupad, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. South Bihar Power Distribution Company Limited through its Chairman,
Baily Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : M/s. Pramod Kr. Singh & Ramashish

For the Opposite Party/s : M/s. Anand Kishore Choudhary & Ritesh Kr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 16-03-2017 Heard both sides.

The petitioner apprehends his arrest in Vishnupad
P.S. case No. 166 of 2016 under Section 135 of the Electricity
Act.

The informant, Assistant Manager, India Power
Corporation, alleged that he raided a school, namely, Chaitnya
Bhartiya Public School and found that owner of the school was
using the electrical energy by committing theft and, thereby,
caused loss of Rs. 1,62,878/-.

The learned counsel for the petitioner submits that
petitioner, of course, is owner of the building but he let out his
house to one Kishore Sharma on 01.01.2016 for two years to run



the school and the Managing Director of the school was to pay the electrical bill in accordance with the agreement. The petitioner was not committing any theft and he is made accused in the case only because he is owner of the building.

On the other hand, Sri Ritesh Kumar, the learned counsel for the India Power Corporation, has submitted that some portion of the building is also in possession of the petitioner and according to Clause-6 of the agreement executed between petitioner and Kishore Sharma the petitioner is to pay the electrical bill in case his tenant does not pay the electrical bill.

Considering the facts aforesaid that petitioner is not found to be committing theft of electrical energy rather Managing Director of the school was found to be committing theft of electrical energy and some portion of the building was let out to the Managing Director of the school by the petitioner vide a deed of agreement (Annexure-2), the above named petitioner, in the event of his arrest or surrender before the learned 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 Special Judge (Electricity), Magadh Area, Gaya in Vishnupad P.S.



Case No. 166 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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