

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37806 of 2017

Arising Out of PS.Case No. -369 Year- 2016 Thana -BELAGANJ District- GAYA

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Indar Mahto, Son of Late Chandan Mahto, R/o Village- Bhalua, P.S.-
Balaganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Executive Engineer, South Bihar Power Distribution Comp. Ltd.
Gaya Zone.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 16-08-2017 Heard learned counsels for the petitioner and the

State.

The petitioner apprehends his arrest in connection
with Belaganj P. S. Case No. 369 of 2016 instituted under
Sections 379 of the Indian Penal Code and Section 135 of the
Electricity Act.

The allegation, in brief, is that petitioner was using a
5HP motor for running a flour mill by putting a hook on the
transmission line and committed electrical theft causing loss to the
tune of Rs. 2,48,321/- of the Company.

Learned counsel for the petitioner submits that this
case is lodged after two days delay without any explanation and no
PVC wire has been seized.



Whereas learned counsel for the State submits that seizure list shows that due to objection of the petitioner, PVC wire could not be seized and he was found running a flour mill, without any valid connection, by taking electrical line direct from transmission line.

Having considered the aforesaid facts and circumstances, it is not a case of anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Arun Kumar, J)

Sujit/-

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