

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24417 of 2018

Arising Out of PS. Case No.-358 Year-2015 Thana- KHAGARIA District- Khagaria

Tarun Kumar, Son of Late Guneshwar Mishra, Resident of Village-
Kumadpur Chowk, P.S.- Gopalpur (Rangra), District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate
For the Opposite Party : Mr. Jagdhar Prasad (APP)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Khagaria P.S. Case No. 358 of 2015, registered for the
offences punishable under Sections 379 & 420 of the Indian
Penal Code and Section 135 of the Electricity Act.

Allegedly, the petitioner being tenant of the
informant of monthly rent of Rs. 4,000/-, obtained electric
connection in his name and started paying rent and electric bill
but since the month of September, 2014 the petitioner stopped to
pay rent to the informant and also did not pay the electric bill
to the concerned office, resulting, electric bill worth of Rs.
14,000/- and rent of the house worth Rs. 16,000/- become due



upon the petitioner and in absence of the informant and his family members the petitioner left the house of the informant without payment of rent and also uprooting electric metre and took away the same.

Submission is of false implication and that no offence under Section 135 of the Electricity Act is made out and this case has been lodged by private person and not by the electricity department. Due to ill behaviour of the informant the petitioner vacated the house of the informant after full payment of rent adjusted in advance money. The dispute appears of civil nature. The electric connection was in the name of the petitioner and at the time of vacating the house he got disconnected electric line. The petitioner has got no criminal antecedent and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that this case has been lodged by the landlord complainant.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in



connection with Khagaria P.S. Case No. 358 of 2015, subject to
the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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