

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37931 of 2018

Arising Out of PS.Case No. -218 Year- 2015 Thana -TEKARI District- GAYA

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Shyam Sunder Sharma S/o Late Baijnath Sharma, R/o Vill.- Sarwahda,
P.S.- Konch, District- Gaya.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 05-07-2018

Heard learned counsel for the petitioner and

learned counsel for the South Bihar Power Distribution
Company Limited.

The petitioner is apprehending his arrest in a
case registered for the offence punishable under Section 135 of
the Indian Electricity Act.

The accusation is of unauthorized and illegal
consumption of electricity by Aircel G.S.M. Services Limited
situated at Tekari.

It is submitted by learned counsel for the



petitioner that the petitioner is the guard of the Aircel Mobile tower and the accusation alleged is of unauthorised consumption of electricity. The loss of the company has been calculated to the tune of Rs.2,64,406/-. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the South Bihar Power Distribution Company Limited that the Aircel Mobile Company has consumed the electrical energy in an unauthorized manner, but this fact has also not been disputed that the petitioner is simply a guard of the said mobile tower and the loss of the calculated amount has to be realized from the Aircel Mobile Company which has installed the tower.

Considering the aforesaid facts coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of 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) with two sureties of the like amount each to the satisfaction of learned Special Judge (Electricity), Magadh Area, Gaya in connection with Tekari P.S. Case No. 218



of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

DKS/- **(Dinesh Kumar Singh, J)**

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