

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74248 of 2018

Arising Out of PS. Case No.-256 Year-2018 Thana- GAURICHAK District- Patna

Suchit Kumar, son of Sudarshan Sharma, resident of village-Kairwa,
P.S.Ghosi, Dist.-Jehanabad

... .. Petitioner

Versus

1. The State Of Bihar
2. The South Bihar Power Distribution Company Ltd. through its Director,
Vidyut Bhawan, Bailey Road, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar
For the Opposite Party State:		Mr.Sri Murlidhar
For the Corporation	:	Dr. Anand Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the Power Holding Corporation.

This application for grant of anticipatory bail arises
out of Gaurichak P.S. Case No. 256 of 2018, disclosing offence
under Sections 279 and 427 of the Indian Penal Code and
Section 139 of the Electricity Act.

The case of the prosecution, as narrated by Junior
Electrical Engineer, Power Holding Corporation, Patna, is that
in the night of 28.07.2018, a truck, bearing registration No. BR-
11GB-0329, hit and damaged 11 KV line pole near High school,
Agimachak.

Section 139 of the Electricity Act reads thus :



“139. Negligently breaking or damaging works.--whoever, negligently breaks, injures, throws down or damages any material connection with the supply of electricity, shall be punishable with fine which may extend to ten thousand rupees.”

In my view, since the punishment for offence under Section 139 of the Electricity Act, is fine, which may extend to Rs.10,000/-, this application for anticipatory bail cannot be entertained in the absence of any apprehension.

Since the petitioner cannot be arrested for the offence under Section 139 of the Electricity Act, this application is dismissed as not maintainable.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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