

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57859 of 2018

Arising Out of PS. Case No.-96 Year-2018 Thana- ATRI District- Gaya

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Gopal Prasad, Son of Late Radhan Mahto @ Ramdhan Prasad, Resident of
Village- Dihuri, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Ltd.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sudhir Kumar Sinha
For the Opposite Party/s :	Mr. Chandrasen Prasad Singh
For the SBPOCL:	Mr. Padma Deo Narayan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 12-12-2018 Heard the learned counsel for the petitioner and

the learned counsel for O. P. No. 2, i.e., South Bihar Power

Distribution Company Limited.

The petitioner seeks bail in anticipation of his

arrest in connection with Atri P.S. Case No. 96 of 2018

dated 01.04.2018 instituted for the offences under Section

135 of the Electricity Act.

The allegation against the petitioner is of

consuming electricity unauthorizedly making him liable for

being prosecuted under the Electricity Act.

Learned counsel for the petitioner has drawn the

attention of this Court to the fact that the uncle of the



petitioner had entered into an agreement with the Reliance Infratel Limited and pursuant to that agreement, the Reliance Infratel Limited was permitted to put up a tower in the land of the uncle of the petitioner. With the death of the uncle of the petitioner, the petitioner succeeded/inherited the properties of his uncle and is coming in peaceful possession of the same. The place where raid was conducted and it was found that there was a pilferage of electricity is not the place of residence of the petitioner. In fact, it is an open land where a tower has been set up by the Reliance Airtel Limited.

Learned counsel for the petitioner has submitted that the petitioner works at Bombay and is a resident of a different village. The F.I.R. does not at all state where the electricity was being consumed. A vague reference in the F.I.R. has been made that the petitioner has been pilfering electric energy.

If at all it is found that there has been an unauthorized consumption of electricity, the Electricity Board could proceed against the petitioner in a different forum. So



far as the merits of the criminal case is concerned, the petitioner deserves to be enlarged on anticipatory bail.

The petitioner above-named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum 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 connection with Atri P.S. Case No. 96 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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