

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25912 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- MURLIGANJ District- Madhepura

SUNIL KUMAR, aged about 35 years, Male, Son of Jagdish Yadav Resident
of Village - Rampur, Ward No. 12, P.S.- Murliganj, District- Madhepura
... Petitioner

Versus

1. THE STATE OF BIHAR
2. North Bihar Power Distribution Company Ltd., Bihar, Patna Bihar
... Opposite Parties

Appearance :

For the Petitioner	:	Mr. Uday Chand Prasad, Adv.
For the State	:	Mr. Anuj Kumar Shrivastava, APP
For OP No. 2	:	Mr. Harsh Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-05-2019

Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the State and the learned counsel appearing for opposite party no. 2, the North Bihar Power Distribution Company Limited.

The petitioner is languishing in judicial custody since 31.01.2019 in connection with Murliganj P.S. Case No. 26 of 2019 for the offence alleged under Section 135 of the Electricity Act, 2003.

The prosecution case, as lodged by the Assistant Electrical Engineer, is that in inspection duty the petitioner was found to be using 10 Horse Power in his Ata Chakki (flour mill) un-authorisedly for which loss has been assessed to the tune of Rs.5, 55,776/-.

Learned counsel for the petitioner submits that the loss has been assessed without a provisional assessment, the petitioner bears a clean antecedent, charge sheet has already been submitted and petitioner has home and hearth and is an owner of Ata Chakki, hence, he will not abscond or tamper with the evidence.



Learned counsel appearing for opposite party no. 2, the Noth Bihar Power Distribution Company Limited, submits that the amount of loss to the Power Company has been assessed by a provisional assessment in terms of Clause 11 of the Bihar Supply Code and 20 meters wire was also found at the place. The petitioner was using electricity un-authorisedly of 10 HP.

Considering the nature of allegations, the materials on record and the charge sheet has already been submitted, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Murliganj P.S. Case No. 26 of 2019 to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, or the successor Court, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Shamshad/-

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