

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71729 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- WARISLIGANJ District- Nawada

Shambhu Prasad @ Shambhu Prasad Saw, son of Late Asarfi Sao, resident of
Village - Baghpardiha, Post - Dumrwa, Police Station - Warsaliganj, District -
Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Electricity Board, Barisaliganj, Nawada, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Mr. Md. Sufiyan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 19-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 135 of the Electricity Act.

According to FIR, the petitioner was running an ice
cream factory and was found using electricity in an
unauthorized manner bypassing the electric meter.

The petitioner stated on affidavit that he is neither
owner of the ice cream factory nor he is a business partner,
rather he was a domestic helper. This fact is admitted in the
counter affidavit also.

However, the electricity company contended that
since the petitioner was a private servant, he was bound to



disclose the identity of the owner which he did not disclose, therefore, he is responsible.

The informant or the investigating agency did not examine any other witness of neighbourhood to get the identity of the owner and simply booked the petitioner in this case. Petitioner is in custody since 28.08.2018.

Learned counsel for the Electricity Board opposed the prayer for bail.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Warsaliganj Police Station Case No. 05 of 2018, subject to the condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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