

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3099 of 2019

Arising Out of PS. Case No.-75 Year-2017 Thana- BANKA District- Banka

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Srilal Chouhan, Son of Narsingh Chouhan @ Narsingh Prasad Chouhan,
Resident of Village- Choubaydih, P.S- Barahat, Dist- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Akhilesh Kumar, Assistant Electric Engineer Banka Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prahalad Kumar Bhagat

For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 135 of the Indian Electricity Act.

The accusation against the petitioner is of consumption of electricity energy unauthorizedly for running 10 H.P. electric motor. Total loss caused to the Electricity Board, has been calculated to the tune of Rs. 4,96,635/-.

It is submitted by learned counsel for the petitioner that provisions for search and seizure under Section 135 of the Indian Electricity Act has not been followed. It is further submitted that the petitioner use to reside outside the state and



only on the basis of presumption, the accusation has been levelled against the petitioner. However, the petitioner is ready to deposit 25% of total loss calculated amount.

Learned counsel for North Bihar Power Holding Company Limited submits that the petitioner was found consuming electricity energy in unauthorized way.

Considering the nature of accusation, on deposit of 25% amount of total calculated loss, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned CJM, Banka in connection with Banka (Barahat) P.S. Case No. 75 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The above mentioned payment will be subject to any order being passed in assessment or compounding proceeding.

(Dinesh Kumar Singh, J)

Amrendra/-

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