

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63241 of 2023

Arising Out of PS. Case No.-427 Year-2022 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Deepak Sagar Son Of Rajendra Prasad Resident Of Exhibition Road, Near
Andhra Bank, P.S.-Gandhi Maidan, District-Patna (Prop. Of Shri Sai Balaji
Construction Pvt. Ltd) Presently At Magadh Colony, Road No. 11 Towards
Nala, P.O.-Chandauti, P.S.-Magadh Medical, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate

For the Opposite Party : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Magadh Medical P.S. Case No. 427 of 2022 dated 24.11.2022,
instituted for the offence punishable under Section 427 of the
I.P.C. and Sections 135 of Indian Electricity Act, 2003.

3. The case of prosecution, in short, is that on
22.11.2022, at about 03:00 P.M., the construction work of an
apartment was being done by Shri Sai Balaji Construction Pvt.
Ltd. on the side of Nala, P.S. Magadh Medical, Gaya. It is
alleged that 33/11 K.V. electric cable line was passing through
by the side of the boundary wall. During the course of



construction, the J.C.B. machine of the accused damaged the electricity property but has not informed about the same. It is further alleged that due to damage of the underground cable, South Bihar Power Distribution Pvt. Ltd. Company sustained loss of Rs. 2,82,934/-.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that the petitioner is the Builder (promoter) of the construction company, namely, Shri Sai Balaji Construction Pvt. Ltd. It is further submitted that the petitioner was constructing the building on the basis of development agreement between the owner of the land and the petitioner. As per the agreement, the petitioner was doing his work for the development of the said land. It is further submitted that neither the petitioner nor the owner of the land had any information about the said underground cable, which was running through the said land. The Electricity Unit at Chandauti has laid down the alleged underground cable of high voltage current without any intimation/notice to the landlord or the petitioner. Further, it is submitted that if J.C.B. Machine has destructed the underground cable then the fire ought to have spread due to high voltage of 33/11 K.V. energy. Further, it has been submitted that



no loss has been caused to the Electricity Department due to such act of the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Magadh Medical P.S. Case No. 427 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds 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, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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