

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11037 of 2015

Arising Out of PS.Case No. -44 Year- 2013 Thana -BARH District- PATNA

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1. Sajju Yadav @ Surendra Yadav @ Surendra Gope Son of Late Fauzdari
 Yadav resident of Leheriya Pokher, P.S. Barh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Bihar State Electricity Board, South Bihar Power Distribution Co.
 Ltd. Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s Mr. Nitya Nand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 23.03.2015

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Earlier prayer for anticipatory bail of the petitioner was twice rejected but submission on behalf of the petitioner is that he has already deposited loss amount which is evident from perusal of annexure 3 to this petition.

It would appear from perusal of order dated 20.3.2014 passed in Cr. Misc. no. 50071/2013 that this court rejected prayer for anticipatory bail of the petitioner taking into account the allegation levelled against the petitioner and after that petitioner, again, filed Cr. Misc. no. 24987/2014 seeking permission for deposit of entire electricity dues but the aforesaid prayer was rejected vide order dated 25.6.2014 and a coordinate bench of this court refused to reconsider prayer of the petitioner. Subsequently, thereto, petitioner deposited

entire dues amount.

No doubt, there is allegation that petitioner was found illegally consuming electrical energy and when officials caught the petitioner and some others, villagers attacked on the raiding party but it would appear from the order dated 6.1.2014 passed in Cr. Misc. no. 36384/2013 that the persons, who attacked on the raiding party, have been granted privilege of anticipatory bail by a coordinate bench of this court. Furthermore, having more or less similar allegation, co-accused Congress Yadav @ Cangresh Yadav has also been granted privilege of anticipatory bail vide order dated 20.6.2014 passed in Cr. Misc. no.12885/2014.

Therefore, in my view, in the above stated changed circumstance, petitioner is entitled to get privilege of anticipatory bail. Accordingly, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Barh District Patna in Barh P.S. Case no. 44/2013 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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