

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22328 of 2014

Arising Out of PS.Case No. -238 Year- 2013 Thana -FATUHA District- PATNA

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1. Vivek Pandey @ Pappu Pandey Son of Late Balmiki Sharma Resident of
West Ramkrishna Nagar, P.S.- Ramkrishna Nagar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Tiwary

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

10 05-01-2015

Heard learned counsel for the petitioner and learned
counsel representing the State.

Reply to the supplementary counter affidavit has
been filed on behalf of the petitioner which has been taken on
record.

Petitioner apprehends his arrest in connection with
Fatuha P.S. Case No. 238 of 2013 registered for the offences
punishable under Sections 135 of Indian Electricity Act.

Allegedly, in the government quarter of the
petitioner it was found that electric energy was being consumed by
connecting electric wire through hook and in that way loss of Rs.
77,935/- was caused to the Electricity Department and PVC wire
has been seized.



Submission at the bar for grant of pre-arrest bail to the petitioner is that the petitioner is not residing in that quarter rather he is residing with his family members in another house situated at Ram Krishna Nagar and the father of the petitioner was also a government employee and in the year 1990 he was within that house but he died much earlier in the year 2007. The quarter has not been allotted to the petitioner and during investigation vide paragraph 11 and 12 of the case diary the witnesses have stated that the quarter in question is lying vacant since long before the time of raid.

Learned counsel representing the Electricity department opposes the prayer for pre-arrest bail by submitting that the petitioner fled away from the place of occurrence.

In the facts and circumstances stated above and considering the statement of the witnesses during investigation vide paragraph 11 and 12 of the case diary that the quarter was lying vacant and the petitioner was not residing therein, and as such the petitioner Vivek Pandey @ Pappu Pandey is directed to be released on anticipatory bail in the event of his arrest or surrender within one month from the date of receipt/production of a copy of this order on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Additional Chief Judicial Magistrate,
Patna City in connection with Fatuha P.S. Case No. 238 of 2013,
subject to the condition as laid down under Section 438 (2) of the
Cr.P.C.

(Jitendra Mohan Sharma, J)

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