

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11992 of 2015

Arising Out of PS.Case No. -143 Year- 2014 Thana -PHULWARIA District- GOPALGANJ

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1. Santosh Sahani S/o Ramchandra Sahani Resident of Village Gidha, P.S. Phulwariya, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur

For the Opposite Party/s : Mr. Lallan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 31-07-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Phulwariya Police Station Case No. 143 of 2014 registered for the offences punishable under Section 379 of the Indian Penal Code and 135 of the Bihar Electricity Act.

The first information report was lodged on the basis of written report filed by Assistant Electrical Engineer and in the aforesaid written statement he claimed that petitioner was consuming electric energy illegally fixing toka in main line causing financial loss to the electricity department to the tune of Rs. 1,60,628/- .

The contention on behalf of the petitioner is that the

present case is totally false and concocted and as a matter of fact, there was a valid connection in the name of petitioner's brother and petitioner as well as his brother reside in a joint house. Moreover, the boundary of the place of occurrence given at Para-6 of the case diary completely falsifies the prosecution story because the boundary of the place of occurrence shows that there were fields of different people and it is a matter of common sense that no person will run shop in the fields.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Phulwari Police Station Case No. 143 of 2014 , subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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