

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22639 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -MAIRWA District- SIWAN

1. Md. Hawaldar Ansari @ Hawaldar Ansari son of Md. Pir Mohammad Ansari Resident of Village: Murarpatti, PS Nawtan, District Siwan.

2. Upendra Kumar Yadav @ Upendra Yadav son of Sri Harihar Yadav Residnet of village - Nautan Ahir Toli, P.S. Nawtan District Siwan.

3. Chandan Kumar Kushwaha @ Chandan Kushwaha Son of Bagehwar Bhagat, Resident of Village - Done, PS Darauli, District - Siwan.

.... Petitioners

Versus

1. The State of Bihar.

2. The Assistant Engineer North Bihar Power Distribution Company Limited, Mairwa, Division , P.S. Mirwa, district Siwan.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Suresh Pd. Singh (APP)

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2. 25-05-2016

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in relation to Mairwa P.S. Case No. 17 of 2016 registered under Sections 341, 323, 504, 506, 379, 427, 353 of the Indian Penal Code and Section 140 of Electricity Act and Section 3 of Property Damage Act, pending before Chief Judicial Magistrate, Siwan.

The allegation is that petitioners were daily wagers and were members of certain trade union. They were employed for the work of maintenance of electric supply under North Bihar Power Distribution Company Limited. As a matter of protest, the petitioners are alleged to have thrown metal chain on the 33 KVA line and damage the insulators, thus disrupting power supply to many villages for hours together. On behalf of the petitioners, it is submitted that merely because the petitioners were agitating against nonpayment of their wages, this false information has been lodged.

In my view, the information has been lodged by an Officer of the rank of Executive Engineer which cannot be lightly brushed aside.

In view of the above, I am not inclined to entertain this application. It is, accordingly, dismissed.

However, petitioners are directed to surrender before the courts below within four weeks and seek regular bail where their prayer may be considered on its own merit without being prejudiced to the order of this Court.

(Navaniti Prasad Singh, J.)

Rajeev/-

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