

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50889 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -BAHERA District- DARBHANGA

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Arun Kumar Sahani, son of Jeelebi Sahni, resident of Village : Kaurthu,
P.S. Ghanshyampur, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

2. Managing Director, North Bihar Power Distribution Co. Ltd., Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

For the SBPDCL : Mr. Binod Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-11-2016 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the North Bihar Power Distribution
Company Ltd. and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.08.2016 in connection with Bahera P.S. Case No. 102 of 2016
registered for the offence punishable under Sections 406, 409,
420, 467, 468 and 120B of the Indian Penal Code.

The prosecution case, as lodged by the Assistant
Electrical Engineer, Electric Supply Sub-Division, Benipur, is that
petitioner along with Executive Assistant of the Power
Distribution Department was indulging in granting fake electric
connection for which money was being taken from each
consumer. Allegation against the petitioner is that he had taken Rs.

1800/- from the consumer and deposited with the said Executive Assistant of the Power Distribution Company.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that the money received by the petitioner has been deposited with the Executive Assistant, namely, Abinash Kumar @ Avinash Kumar and the said co-accused has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 22986 of 2016 on 23.05.2016. He further submits that petitioner was working at the behest of the said Executive Assistant, who is posted in Electric Supply Sub-Division, Benipur. It has further been submitted that charge sheet has already been submitted, hence, there is no chance of tampering with the evidence.

However, learned counsel appearing on behalf of the Power Distribution Company submits that charge in excess was taken by the petitioner without any authority, hence, opposes the prayer for bail.

Learned A.P.P. for the State also submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since another co-accused, an officer

of Power Distribution Company, has already been granted the privilege of anticipatory bail, and considering the period of custody, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipur, District Darbhanga in connection with Bahera P.S. Case No. 102 of 2016.

(Nilu Agrawal, J.)

Arjun/-

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