

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55468 of 2015

Arising Out of PS.Case No. -154 Year- 2013 Thana -MANIGACHI District- DARBHANGA

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1. Santosh Kumar Mandal @ Santosh Mandal son of Bechan Mandal,
resident of village- Brahmpur Sakari, P.S.- Manigachhi, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar Electricity Board, through M.D. Bidyut Bhawan, North Bihar
Power Distribution Company, Jawahar Lal Neharu Marg, P.s.- Kotwali,
District- Patna
3. Chandan Lal, Assistant Engineer, Power Supply, Lower Division Sakari,
Son of Chhotu Rajak, resident of village- Narauli, P.S.- Salimpur
(Bakhtiyarpur), District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

6 30-03-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of anticipatory bail arises out of
Manigachhi P.S. Case No. 154 of 2013, disclosing offences under
Sections 224,353 of the Indian Penal Code and Sections 135 and 136
of the Indian Electricity Act.

It is contended on behalf of the petitioner that he has been
made accused only because he was, at the relevant point of time,
working as Guard of the Vodaphone's Tower. Learned counsel
appearing on behalf of the Opposite party No.2 submits that the
petitioner was in fact working as an Operator of the Tower and he was
instrumental in committing theft of electricity from the domestic land.

If the allegation as made in the First Information Report is treated to be true, the theft was being committed for the Vodaphone. No official of the Vodaphone has been made an accused in the First Information Report. Therefore, this application is allowed.

Let petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Sri Anand Abhisekh, learned J.M. Ist Class, Darbhanga, in connection with Manigachhi P.S. Case No. 154 of 2013 (G.R. No. 3048 of 2013 corresponding to T. R. No. 4214 of 2014), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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