

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26237 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -CHANDAN District- BANKA

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Bechan Mahto @ Baichan Mahto, Son of Birju Mahto, Resident of Village-
Neelkothi, Police Station- Chandan, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Junior Engineer Electric, Electric Supply Division, Chandan, P.S.-
Chandan, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Mukherjee and Mr. Ganesh Sharma, Advocates
For the O.P. No. 2	:	Mr. Shrekant Sharma Singh, Advocate
For the State	:	Mr. Dashrath Mehta, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends arrest in Chandan P.S.
Case No. 20 of 2017 dated 09.03.2017 instituted under Sections
353/379/201/34 of the Indian Penal Code and 135 of the Bihar
Electricity Act.

3. The allegation against the petitioner is of theft of
electricity and further that he collected a mob of about 10 persons and



tried to obstruct the raiding party and also tried to cause harm to their vehicle and further snatching away the seized articles.

4. Learned counsel for the petitioner submitted that as per the fine fixed in terms of the complaint itself, the petitioner has paid the same i.e. Rs. 9,620/- on 23.03.2017, whereas the complaint was made on 09.03.2017. It was submitted that the petitioner has no criminal antecedent.

5. Learned A.P.P. and learned counsel for the opposite party no. 2, drew the attention of the Court to the portion of the complaint where the petitioner is said to be present and was leading a mob of 10 members, who not only tried to prevent the raiding party from discharging their duties but also made attempt to cause damage to their vehicle and also snatched away the seized articles. It was submitted that such contention of the petitioner does not entitle him to any indulgence by this Court.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. However, considering the matter in its entirety, if the petitioner surrenders before the Court below within two weeks from today and prays for regular bail, the same shall be considered



and disposed off on its own merits, in accordance with law, without being prejudiced by the present order, preferably on the same day.

(Ahsanuddin Amanullah, J.)

P. Kumar

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