

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44259 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -INDUSTRIAL District- BHAGALPUR

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1. Sanjay Kumar Jain @ Sanjay, Son of Late Prem Chand Jain, Resident of Mohalla M.P.D. Road, Naya Bazar, P.S.- Tatarpur, P.O.- Bhagalpur, District- Bhagalpur.
 2. Ashok Kumar Mishra @ Ashok Mishra, Son of Kamal Dhari Mishra, Resident of Takichak, P.O.- Mirjanhat, P.S.- Habibpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anant Kumar Singh, Assistant Manager (Vigilance), Bhagalpur Electricity Distribution Company Private Limited, D.N.S. Road, Kharmanchak, Near Hariom Jewellers, Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha
For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 11-10-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Industrial Area Police Station Case No. 39 of 2017, disclosing offences under Sections 135(1) of the Electricity Act, 2003.

Learned counsel for the petitioner has submitted that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, the alleged occurrence took place on 09.05.2017 whereas the F.I.R. has been instituted on 16.05.2017 after lapse of seven days without explaining the



plausible delay which is in violation of Section 135 (1-A) of the Electricity Act, 2003. These petitioners have falsely been implicated in this case. Nothing incriminating has been recovered from the possession of the petitioners. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Bhagalpur, in connection with Industrial Area Police Station Case No. 39 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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