

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32280 of 2017

Arising Out of PS.Case No. -447 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Krishna Kumar Yadav son of Kartik Prasad Yadav resident of Mohalla
Surya Mohan Thakur Lane, Barari P.S. Barari District Bhagalpur.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is apprehending his arrest in connection
with Kotwali (Barari) P.S. Case No. 447 of 2016 registered for the
offence punishable under Section 135(1) of the Electricity Act.

It is submitted on behalf of the petitioner that from
the seizure list it is apparent that the only allegation against the
petitioner is seizure of approximately 10 feet white colour wire
which exactly is the wire of Dis TV connection. It is further
submitted that even though the raid was conducted on 02.08.2016
but the FIR has been lodged after considerable delay i.e. on
1.9.2016. It is also submitted that he runs his welding business
from his own 8 hp Generator and in support of the said contention
he relies upon Annexure 3 which shows purchase of the said
generator. There is no independent witness in support of the



seizure list and it was only signed by the departmental authorities.

Considering the aforesaid facts and circumstances and the fact that prior to the instant case there is no criminal antecedent against the petitioner, in the event of his arrest or surrender within four weeks from today, the petitioner above named shall be released on bail on his furnishing bonds of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in Kotwali (Barari) P.S. Case No. 447 of 2016 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Madhuresh Prasad, J)

Prakash/-

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