IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10274 of 2017

Arising Out of PS.Case No. -38 Year- 2016 Thana -DARIYAPUR District- SARAN

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Chandan Kumar Son of Gorak Nath Sharma Resident of Village - Bhetwaliya, P.O. - Kakarahar, Police Station - Derani, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Assistant Electric Engineer, Electricity Supply, Sub Division, Sonpur, Saran, Dist - Saran (Chapra).

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-03-2017 Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of N.B.P.D.C.L.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Dariyapur P.S. Case No. 38 of 2016/ Tr. No. 913 of 2016/ G.R. No. 1043 of 2016 for the offence punishable under section 427 of the I.P.C, section 3 of the Prevention of Damage of Public Property Act and section 140 of the Electricity Act.

Allegedly, the petitioner and others were going on strike since 11.02.2016 but on 10.02.2016 some of the employees disturbed the electric supply by making short circuit in Dariyapur fedder in the night of 10.02.2016 causing loss to the North Bihar

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Power Distribution Company Limited to the tune of Rs. 64,000/-. It has been alleged that the informant has belief that the petitioner and others who were employees of the electricity department have hands in this occurrence.

Submission is of false implication and that the petitioner has not committed mischief with the supply of the electricity, the petitioner and other workers of the electricity department are on strike, the petitioner was not seen by any one in making short circuit and as such the petitioner deserves sympathetic consideration.

The learned counsel for the N.B.P.D.C.L opposes prayer for pre-arrest bail of the petitioner by submitting that if the loss amount is deposited by the petitioner then he may be allowed pre-arrest bail.

In the facts and circumstances as stated above, from bare perusal of the written report it is manifest that the case has been lodged by the informant merely on the basis of suspicion and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. A.C.J.M-IV, Saran (Chapra) in connection with

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above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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