

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64727 of 2018

Arising Out of COMPLAINT CASE No.-753 Year-2016 District- Aurangabad

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1. Mihir Kumar Upadhya @ Mihir Kumar Upadhyay, Son of Lalan Upadhyay, Resident of Village- Bhuthan, Police Station- Sanjhauli, District- Rohtas, At present posted as Junior Engineer, Barun.
 2. Shyam Babu Sharma, Son of Ram Narayan Thakur, Resident of Village- Kasma Marar, Police Station- Khajauli, District- Madhubani, at present posted as Junior Engineer, Barun.
 3. Nishant Kumar, Son of Narayan Prasad, Resident of Village- Datu Bigha, Police Station- Ongari, District- Nalanda, At present posted as Assistant Electric Engineer, Barun, Aurangabad.
 4. Arvind Prasad, Son of Late Rampati Ram, Resident of Village- Katharuan, Police Station- Aurangabad, District- Aurangabad At present skilled Labour Electric Supply, Barun.

... .. Petitioners

Versus

1. The State of Bihar.
2. Dwarika Singh, Son of Late Shiv Mangal Singh, Resident of Village- Ithat, Police Station- Barun, District- Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-12-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with



Complaint Case No. 753 of 2016 in which cognizance has been taken under Sections 323/386 and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the petitioner no. 3 being an Assistant Engineer in Buxar Sub-division of South Bihar Power Holding Company Ltd had filed a written report to the Officer-in-charge, Barun Police Station, Aurangabad on 12.09.2016 pursuant to which Barun P. S. Case No. 141 of 2016 was instituted under Section 135 of the Electricity Act, 2003 against the complainant of the present case and others and in retaliation to that the instant complaint was filed alleging false and frivolous allegations of demand of Rs.10,000/- by petitioner no. 3 and other members of raiding team.

Considering the submissions made above and the FIR instituted by petitioner no. 3, as contained in Annexure-2 to the present application, the application for grant of pre-arrest to the petitioners is allowed.

The petitioners named above are directed to be released, in the event of their arrest or surrender before the court below within six weeks from today, on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate-VI, Aurangabad in Complaint Case
No. 753 of 2016, subject to the conditions as laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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