

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16742 of 2019

Arising Out of PS. Case No.-224 Year-2016 Thana- HARSIDHI District- East Champaran

SURESH KUSHWAHA S/O Pasapat Singh, R/O Village- Bairiyadih, belpura
P.S.- Harsidhi, Distt. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-03-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323 and 353/511 of the IPC.

The prosecution case, as per the written report of Junior Engineer (Electricity), Harsidhi submitted to the Station House Officer, Harsidhi Police Station, is to the effect that on 09.07.2016 at 4.20 P.M., the petitioner along with other accused persons came at Electricity Sub-station, Harsidhi and assaulted the electrician Kyamuddin and driver Rupesh Kumar. The accused persons also tried to tear the official register and thereby created obstruction in discharging the official duties.

It is submitted by learned counsel for the petitioner that omnibus and general nature of accusation has been levelled



against the petitioner and others. Moreover, on the alleged date of occurrence, the petitioner was not present at the place of occurrence. It is further submitted that in fact, the electric supply in the local area was disturbed since one month due to fault in transformer and when the villagers made several complaints to the authority concerned to mend the transformer, hence in order to save their own skin, the authorities of the electricity department has lodged the present case maliciously. It is further submitted that for the occurrence of 09.07.2016 at 4.20 P.M., the FIR was registered on 11.07.2016 at 10.30 P.M. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner in the FIR.

Considering the delayed lodging of the FIR coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, East Champaran,



Motihari in connection with Harsidhi P.S. Case No. 224 of 2016.
subject to the condition as laid down under Section 438(2) of the
Cr. P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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