

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38359 of 2019

Arising Out of PS. Case No.-52 Year-2016 Thana- SURSAND District- Sitamarhi

1. Sudisth Sah @ Sudist Sah, aged about 50 years, (male), Son of Late Sonelal Sah
2. Khakhan Sah @ Khakhnu Sah aged about 45 years, (male), Son of Late Nanton Sah
3. Shambhu Sah aged about 45 years, (male), Son of Late Ramjee Sah.
4. Harish Nadaf aged about 35 years, (male), Son of Islam Nadaf
5. Aslam Ansari aged about 33 years, (male), Son of Idrish Ansari
6. Safik Ansari aged about 32 years, (male), Son of Aslam Ansari
All residents of Village-Koriyahi Tola Runi, Police Station-Sursand, District-Sitamarhi.

... .. Petitioners

Versus

1. The State of Bihar
2. The M.D. North Bihar Power Distribution Co. Ltd., Muzaffarpur
Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioners	:	Dr. Bidhu Ranjan, Advocate
For the State	:	APP
For O.P. No. 2	:	Mr. Ajay Kr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 135 and 136 of the Bihar Electricity Act registered in connection with Sursand P.S. Case No. 52 of 2016.

3. It is submitted that the petitioners have been falsely implicated and the FIR is against as many as 7 named accused persons along with unspecified residents of the concerned village. It is submitted that even on perusal of the FIR, there is no accusation of theft of electricity rather it has only been alleged that the accused persons shifted the poles and electric wires. The petitioners claim



clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupari, Sitamarhi in connection with Sursand P.S. Case No. 52 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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