

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.55556 of 2019

Arising Out of PS. Case No.-197 Year-2019 Thana- RAJIVNAGAR District- Patna

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1. SHRIMATI SAROJ TIWARY Wife of Sri Sanjay Kumar Tiwary Resident of Mohalla - Maurya Path Urja gram, Road, No. - 1, Behind A B Enclave, P.S.- Rajiv Nagar, Distt - Patna.
 2. Sri Sanjay Tiwary @ Sanjay Kumar Tiwary Son of Sri Raj Nandan Tiwary Resident of Mohalla - Maurya Path Urja gram, Road, No. - 1, Behind A B Enclave, P.S.- Rajiv Nagar, Distt - Patna.
 3. Saurav Tiwary @ Saurav Kausik Son of Sri Sanjay Kumar Tiwary Resident of Mohalla - Maurya Path Urja gram, Road, No. - 1, Behind A B Enclave, P.S.- Rajiv Nagar, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The South Bihar Power Distribution Company Ltd. The its Managing Director, Vidyut Bhawan, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bamdeo Pandey
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-09-2019 Heard learned Counsel for the petitioners, learned Additional Public Prosecutor for the State and learned Counsel for he SBPDCL.

This application, for grant of anticipatory bail, arises out of Rajeev Nagar Police Station Case No. 197 of 2019, disclosing offences under Sections 188/353/504/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First



Information Report, is that in pursuance of an order, dated 21.09.2018, passed by learned Sub-Judge-I, Patna, the police personnel as well as the officials of the SBPDCL went at the residence of the brother of the petitioner no. 2 to install the electric meter. It has further been alleged that when the informant and other officials started installing the said meter in the house of the brother of petitioner no. 2, Navin Kumar Tiwary, the petitioners obstructed the officials to implement the order of the learned Sub-Judge-I, Patna, and created hindrance in installing the said meter and also misbehaved with the officials of the SBPDCL.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as Title (Partition) Suit No. 189 of 2013 is pending between the parties relating to two kathas of land, in which about 01 katha of land, the petitioners have built up their house and in rest 01 katha of land, the two brother of petitioner no. 2 have constructed their houses. He further submits that in fact the officials of the SBPDCL were installing the said meter in the portion occupied by the petitioners, which was being objected by the petitioners and no objection was raised by the petitioners for installation of the meter in the portion occupied by the



brother of petitioner no. 2. He, relying on Annexure-3, submits that the petitioner no. 1 has filed a petition before learned Sub-Judge-I, Patna, on 01.11.2018, for recalling of the said order, dated 21.09.2018.

After having heard learned Counsel for the parties and taking into consideration the fact that recall application has been filed by the petitioners and further title suit is pending between the parties and submission made on behalf of the petitioners that the officials of the SBPDCL were trying to install the meter in the portion occupied by the petitioners, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Patna, in connection with Rajeev Nagar Police Station Case No. 197 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case



may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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