

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43259 of 2017

Arising Out of PS. Case No.-155 Year-2016 Thana- BELA District- Sitamarhi

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Lal Babu Rai S/o Sri Sita Sharan Rai, resident of Village- Chandi Rajwara,
P.S.- Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Power Holding Company Ltd., 1st Floor, Vidyut Bhawan, Bailey Road, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bishwajeet Singh, Adv.
For the informant	:	Mr. Ratan Prasad Sinha, Adv.
For the State	:	Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioner as well as
learned A.P.P. along with learned counsel for the informant.

At an earlier occasion vide order dated 07.08.2018 case diary was called for after consideration of submission having at the end of learned respective counsels. It is found from the written report that Airtel Tower is standing over the land belonging to the petitioner and, during course of inspection the Airtel Tower was found to be consuming the energy stealthily. At an initial stage, the status of the petitioner was found to be the owner of the land but, during course of investigation from para-12, 13, it is evident that he has been identified to be the person caring the tower.

Learned counsel for the petitioner has submitted that



he could not be in the background of the fact that he happens to be one of the seizure list witness. From the seizure list, it is evident that status of petitioner was not that of seizure list witness rather representative of the defaulter and in the aforesaid background, he was identified as an accused since inception of the instant prosecution.

Accordingly, instant petition sans merit and is dismissed. The stay granted vide order dated 07.08.2018 stands vacated.

However, petitioner will be at liberty to raise his defence during appropriate stage of the trial.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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