

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55886 of 2018

Arising Out of PS. Case No.-317 Year-2017 Thana- AMARPUR District- Banka

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1. Bulbul Ishwar, S/o Sital Ishwar
 2. Bidur Kumar @ Bidur Choudhry, S/o Vijay Choudhary.
 3. Gopal Kumar Ishwar @ Gopal Ishwar, S/o Bindeshwary Ishwar.
 4. Mukesh Ishwar, S/o Company Ishwar, Both resident of Village- Mohadinagar, (Gopalpur), Police Station- Amarpur, District of Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The South Bihar Power Distribution Company Ltd. Bailly Road, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhu Narayan Sharma
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-01-2019 Heard learned counsel for the petitioners, learned counsel for the South Bihar Power Distribution Company and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 332, 353, 379, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of informant Manish Kumar Sahu, Assistant Electric Engineer, Amarpur submitted to SHO, Amarpur Police Station is to the effect that on 22.07.2017, a raid was conducted along with other official staffs since co-accused Vijay Choudhary was found illegally consuming electricity for running of flour mill. When the local



mechanic was directed to disconnect the illegal electric connection then co-accused Vijay Choudhary along with the petitioners assaulted the informant. It is further alleged that they snatched mobile of the informant and deleted the photographs depicting illegal consumption of electricity.

It is submitted by learned counsel for the petitioners that the specific allegation of illegal consumption of electricity is levelled against the co-accused Vijay Choudhary. It is further submitted that the accusation of assaulting the informant is against 5-6 persons, but the impugned order reflects that only one injury has been caused to the informant which is simple in nature. It is further submitted that a complaint case was filed on 26.07.2017 by one Baby Devi against 9 accused persons of Amarpur Electricity Department and hence the instant case has been filed to put pressure on the petitioners. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the Energy Supply Department submits that the petitioners have assaulted the informant.

Learned APP for the State after going through the case diary submits that the accusation is omnibus and general in nature and only one injury has been caused to the informant.



Considering the fact that the accusation is omnibus and general in nature and accusation of assault not being corroborated by the medical report, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Banka** in connection with **Amarpur P.S. Case No. 317 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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