

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27642 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- BIRPUR District- Supaul

MD ALIM Son of Md. Seikh Basu @ Md. Seikh Haji Resident of Village-
Bariya Kamal, Police Station- Birpur, District- Supaul.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NORTH BIHAR POWER DISTRIBUTION COMPANY LTD. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in connection with Birpur P.S. Case No.44 of 2021, registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 379, 353, 384, 427, 504 IPC and 135 of Indian Electricity Act.

As per the prosecution case, during course of revenue collection and in a drive to prevent power theft, the informant



with other officials made inspection in the village of petitioner. It is alleged that one Md. Tarik Anwar was consuming electricity in his house by way of hooking which caused loss to the department. It is alleged that the F.I.R. named accused persons including the petitioner manhandled the inspection team and damaged Government vehicle.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case. There is general and omnibus allegation against all the accused persons. It is clear from the F.I.R. itself, that petitioner was not involved in theft of electricity and he has no concern with the co-accused against whom there is allegation of theft of electricity. It is further submitted that there is no injury report on record to substantiate the allegations made in the F.I.R.

Learned APP for the State opposed the prayer for bail and submits that there is allegation against the petitioner of having active participation in creating hindrance in discharge of official duty of the raiding party and of damaging the Government vehicle. Allegation of committing scuffle and hurling abuses is also levelled against the petitioner.

Having regard to the facts and circumstances of the case,



since the since the petitioner is said to have created obstacle in discharge of official duty of the raiding party, I am not inclined to enlarge him on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

However, petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law, considering that there is general and omnibus allegation against the petitioner.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

