

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35852 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- CHENARI District- Rohtas

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1. KAMTA RAM S/O LATE NATHUNI RAM Resident of Village- Kinarchola, P.O dumari, P.S.- Chenari, District- Rohtas.
 2. CHANDAN RAM @ CHANDAN KUMAR S/O KAMTA RAM Resident of Village- Kinarchola, P.O dumari, P.S.- Chenari, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. DAYASHANKAR RAM S/O RAM NIHORA RAM Resident of Village and P.O- Derwa, P.S.- Kudara, District- Kaimur (Bhabua) Kaniya Vidhut, Abhiyanta , Vidhut Apurti branch chenari
3. SOUTH BIHAR POWER DISTRIBUTION COMPANY MANAGING DIRECTOR VIDHUT BHAWAN PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh No.10, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar No.3, APP
For the Opposite Party No.2 & 3	:	Mr.Shrekant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioners, learned counsel for the S.B.P.D.C.L. and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 353, 504 and 34 of the Indian Penal Code read with Section 135 of the Electricity Act.

The informant alleges that on secret information, the house of the petitioners was raided and it was found that petitioners have a valid electric connection but are committing



theft of electricity by bypassing the meter causing loss of revenue of nearly Rs. 45,000/- and even abused and threatened the raiding team causing obstruction in discharge of public duty.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that petitioners had dues of Rs. 6,300/- and were not able to deposit the same on account of prevailing COVID situation in which work of the petitioner had suffered, it is next submitted that it was on account of the said dispute, that petitioner came to be implicated in a false case. Learned counsel further submits that the date of occurrence is 09.03.2022 and the F.I.R. was also instituted on 09.03.2022 but it appears that the same was sent to the learned court of Special Judge on 08.04.2022, the learned counsel next submits that it absolutely does not stand to reason that when the F.I.R. was instituted on 09.03.2022 then why there was such delay in sending the F.I.R. to the court of the learned Special Judge, it is thus submitted that this amply demonstrates that by way of afterthought, the present F.I.R. came to be instituted.

Learned A.P.P. for the State and the learned counsel for the S.B.P.D.C.L. oppose the prayer for anticipatory bail of



the petitioners but are not able to meet the submission of the learned counsel for the petitioners that when F.I.R. was instituted on 09.03.2022 then why such delay occurred in sending the F.I.R. to the court of learned Special Judge.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chenari P.S. Case No. 70 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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