

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49488 of 2023

Arising Out of PS. Case No.-194 Year-2014 Thana- KISHANPUR District- Supaul

1. Shambhu Pathak @ Shambhu Nath Pathak S/O Late Bhutay Pathak R/O Village- Bhurali Murli Ward No. 9, P.S- Kishanpur, Distt.- Supaul.
2. Chandra Shekhar Jha @ Chandrashekar Jha S/O Late Tej Narayan Jha R/O Village- Bhurali Murli Ward No. 9, P.S- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Krishanpur P.S. Case NO. 194 of 2014 , registered for the offences punishable under Sections 341, 353, 427/34 of the Indian Penal Code.

3. As per allegation, on 08.10.2014 at about 12.00 PM the informant along with other persons, went to Village Murali, Ward No. 8 in order to make an electric connection as per direction of his department. Their work was interrupted by the petitioners, due to which there was a loss of Rs. 1000/- per day of his department.



4. The learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the alleged offence is petty in nature. He also submits that villagers had objected to proposed electric connection but his name has falsely been taken in the case. He further submits that the maximum punishment for the alleged offence is much less than seven years and such arrest by the police is not desirable. He also submits that the petitioner undertakes to cooperate in the investigation.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has vehemently opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Ld. CJM, Supaul, in connection with Krishanpur P.S. Case NO. 194 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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