

Arising Out of PS. Case No.-476 Year-2020 Thana- BASANTPUR District- Siwan

- Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

2 30-08-2023 1. At the outset, the learned counsel for
the petitioners seeks to withdraw the present
petition qua the petitioner no.3, however seeks
liberty on his behalf to surrender before the
learned Court below, within a period of four weeks
from today and avail the privilege of regular bail.
Liberty so sought is granted.

2. Accordingly, the present petition qua the
petitioner no.3 stands dismissed as not pressed.

3. Heard the learned counsel for the



petitioners no.1 and 2 and learned APP for the State.

4. This is an application for grant of anticipatory bail in connection with Basantpur P.S. Case No.476 of 2020, registered for offences under Sections 341, 323, 307, 353, 427, 504, 506/34 of the IPC.

5. The case of the prosecution, in brief, according to the informant, is that while the informant was working in his office as Junior Electrical Engineer, Electric Supply Division, Basantpur, the accused persons, i.e. the petitioners herein, had arrived there and assaulted him on account of the fact that the electricity connection of the house of the petitioner no.3/his father had been disconnected due to non-payment of outstanding electricity dues to the tune of Rs.27,925.00.

6. The learned counsel for the petitioners no. 1 and 2 has submitted that the petitioners no.1 and 2 are innocent, they have been falsely implicated in the present case and they are having



a clean antecedent. The learned counsel for the petitioners no. 1 and 2 has further submitted that the motive for commission of the said offence, if any, is attributable to the petitioner no.3, inasmuch as his electricity connection had been disconnected, due to outstanding electricity dues pending for payment, qua the electricity connection existing in the name of his father, however, as far as the petitioners no.1 and 2 are concerned, they do not have any motive for commission of the alleged occurrence, hence, at least, they be granted the privilege of anticipatory bail.

7. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners no.1 and 2, they do



not have any motive to have committed the said offence, apart from the fact that the injury sustained by the informant has been found to be simple in nature, I deem it fit and proper to admit the petitioners no.1 and 2 to the privilege of anticipatory bail.

9. Accordingly, the above named petitioners no.1 and 2 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Siwan in connection with Basantpur P.S. Case No.476 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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