

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65491 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- SINGHESHWAR District- Madhepura

Sanjay Kumar @ Sanjay Kumar Yadav Son of Late Chandeshwari Prasad Yadav Resident of Village-Lalpatti, Ward No. 9, Police Station-Singheshwar, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Suraj Kumar, Junior Electric Engineer, Electric Supply Division, Singheshwar, Madhepura. Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Singheshwar P.S Case No. 46 of 2023 dated 03.03.2023 registered for the offence punishable u/s 136 of Bihar Electricity Act and Sections 379, 427 and 34 of the Indian Penal Code.

4. As per the prosecution case, villagers caught hold of the co-accused with *pillass* and mobile phone, whereas



another persons including petitioner managed to flee away. On query the apprehended person disclosed the name of the petitioner as Sanjay Kumar. When the informant inspected the place of occurrence, it was found that the wires were cut from electricity poles, which caused a loss of Rs. 1,15,264/- (One Lakh Fifteen Thousand Two Hundred and Sixty Four) to North Bihar Power Distribution Co. Ltd. (NBPDC).

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that it is evident from the F.I.R. that the name of the petitioner was disclosed from the statement of the apprehended person, namely, Mithilesh Kumar. Learned counsel further submitted that petitioner was not present on the spot and no incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhepura in connection with Singheshwar P.S. Case No. 46 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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