

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71249 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- BAUNSI District- Araria

SIKANDER KUMAR CHOUDHARY @ SIKANDAR CHAUDHARY SON
OF LATE MOHAN CHOUDHARY RESIDENT OF VILLAGE - CHAURA
PARWAHA, POLICE STATION - FORBESGANJ, DISTRICT - ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NORTH BIHAR POWER DISTRIBUTION COMPANY LIMITED, PATNA
BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kundan Kumar Singh
For the State	:	Mr.Shahabuddin Azeem @ S. Azeem
For the NBPDC	:	Mr. Ajay Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-11-2023
1. Heard learned Counsel for the petitioner, learned Counsel for the North Bihar Power Distribution Company Limited and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Bounsi Police Station Case No. 119 of 2023, dated 24.06.2023, disclosing offences punishable under Sections 379/411 of the Indian Penal Code and Section 139 of the Electricity Act, 2003.
 3. The prosecution case, as per the First Information Report lodged by Rajesh Kumar, Junior Engineer, Electricity Supply Office, Gunwanti, is that during the night hours of 22.06.2023, he was informed by the departmental staffs,



namely, Tuntun Rai and Ravi Kumar Mehta, that due to heavy rain and wind, there was breakdown of electricity in the area. They went on inspection and they found that four persons, including the petitioner, were cutting the 11 KV agriculture feeder wire near Gunwanti Ward No. 4 and when they made enquiry from them, they told that they are electrician. It has further been alleged that on suspicion, the department staffs called him and in the mean time, the accused persons, including the petitioner, took the cutting wire in a scorpio vehicle parked there and fled away. It has further been stated that when the informant reached the place of occurrence, he found that about one kilometer of 11 KV wire of all the three phases were missing and due to the act of the petitioner and others, the department has incurred a loss of Rs. 97,444/-.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of disclosure of his name by the departmental staff. He further submits that the petitioner is working with a company, who is engaged in the electrical work in the area. He further submits that the alleged occurrence



has taken place in the night of 22.06.2023, but the First Information Report has been lodged after a delay of two days on 24.06.2023. He next submits that the informant alleged that the cutting wire was being taken by the petitioner and others on a scorio vehicle, whereas the police recovered 100 metres of 11 KV wire and 200 meters of covered aluminum wire from the place of occurrence.

5. On the other hand, learned Counsel for the Opposite Party No. 2 submits that the co-accused persons have been granted regular bail by the learned District Court and the cut wire was recovered from the place of occurrence. He further submits that due to the mischievous act of the petitioner, the department has suffered a huge loss.
6. I have heard learned counsel for the parties and have perused the material available on record, including the impugned order.
7. From perusal of the materials available on record, it transpires that the petitioner himself disclosed his name to the department staffs while he, along with others, were cutting the 11 KV wire and co-accused persons have been granted regular bail.



8. Considering the above, I do not find any reason to differ with the findings arrived at by the learned Sessions Judge, Araria, inasmuch as the case is under investigation, wherein the custodial interrogation of the petitioner may be necessary based upon the material collected by the police during course of investigation. As such, I am not inclined to grant anticipatory bail to the petitioner.
9. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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