

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75308 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- THARTHARI District- Nalanda

-
1. Satish Kumar, S/O Arjun Prasad, R/O Village- Baradih, P.S.. Tharthri, Dist. Nalanda.
 2. Shiv Sarvesh Mahto @ Sarvesh Mahto @ Sarvesh Kumar, S/O Arjun Prasad, R/O Village- Baradih, P.S. Tharthri, Dist. Nalanda.

... .. Petitioners

Versus

1. The State of Bihar.
2. Bihar State Electric City Board, Vidyut Bhawan, Patna, Bihar.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Rajeev Kumar, Advocate
For the O.P. No. 2	:	Mr. Ajay Kumar Gautam, Advocate
For the State	:	Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2023 Learned counsel for the petitioners 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 petitioners, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Tharthari P.S. Case No. 90 of 2023 dated 08.07.2023 registered for the offences punishable under Sections 342, 323, 353, 379, 304 and 506/34 of the I.P.C.



and Section 135 of the Bihar Electricity Act, 2003.

4. As per the prosecution case, the petitioner is alleged to have committed theft of energy causing loss of Rs. 40,605/- to the South Bihar Power Distribution Company. It is further alleged that during inspection the petitioner and other accused person, namely, Sarvesh Mahto, by abusing the raiding party, attacked with Lathi and rod upon them, as a result of which, Rakesh Kumar and Gopal Kumar received injuries and Chandan Kumar Sharma, Mukesh Kumar and Vinay Paswan received severe injuries. They also snatched a Mobile phone worth Rs. 12,000/- from Rakesh Kumar.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the loss amount of Rs. 40,605/- has already been deposited by the petitioners to the South Bihar Power Distribution Company Ltd., vide Money Receipt No. 219401230090875 dated 11.07.2023 annexed as Annexure-2 to the bail application. It is further submitted that the injuries received by the injured were found to be simple in nature by the doctor annexed as



Annexure-3 series to the bail application. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Hilsa, Nalanda, in connection with Tharthari P.S. Case No. 90 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

