

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13083 of 2024

Arising Out of PS. Case No.-703 Year-2023 Thana- SAUR BAZAR District- Saharsa

Santosh Kumar S/o Uttim Lal Yadav R/o vill - Ghoghanpatti, ward no. 04,
Dhabauli, P.s. - Sour Bazar, Distt. - Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chairman-cum-Managing Director, North Bihar Power Distribution Company Limited Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Ms. Rashmi Jha, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For Opposite Party No.2	:	Mr. Srikant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code and Section 136 of the Indian Electricity Act.

3. As per prosecution case, on a secret information, a raid was conducted and huge quantity of electric wires and other electric materials were recovered from a truck and two persons were apprehended at the spot, who disclosed the name of this petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner is neither owner nor



driver of the truck in question. It is next submitted that the petitioner has falsely been implicated in this case only on the basis of statement of co-accused who was apprehended at the spot and except confessional statement, there is no material on record to connect the petitioner with the alleged occurrence. It is further submitted that no incriminating material has been recovered from the possession of the petitioner.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, nature of accusation and the fact that name of the petitioner has transpired in this case only on the basis of confessional statement of co-accused persons, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIInd, Saharsa, in connection with Sour Bazar P.S. Case No.703 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal



Procedure.

(Prabhat Kumar Singh, J)

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