

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31532 of 2023

Arising Out of PS. Case No.-382 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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SHYAM BABU SAHU Son of Jiwachh Sahu Resident of Village-Naina Ghat,
PS-Naina Ghat, Dist-Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shailendra Kumar son of Chandra Kishore Yadav Village- Jheel Tola Bagh
mara Po- Bela Rikabganj Ps- K. Nagar Dist- Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kunal Tiwary, Adv.
For the Opposite Party/s : Mr.Pranav Kumar, APP.
Mr. Bidhu Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 120B, 467, 468, 471 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other accused persons falsely implicated the complainant in electricity theft case instead of giving him electricity connection due to not paying the bribe demanded by the accused persons.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is totally false and based on concocted facts. He has never asked for the bribe from the complainant. The real fact is that at first, the complainant had applied for the electricity connection for LTIS Connection and thereafter, pursuant to the application of the complainant, an estimate was given by the petitioner to the complainant regarding pole and wire to the tune of Rs. 39,837/-. Thereafter, the informant deposited supervising charge of Rs. 5,991/- and pursuant to service connection report, the complainant was directed to deposit security money and service connection charge of Rs. 7,770/- vide order dated 07.01.2020 which is also evident from Annexure-3 of the bail petitioner. Thereafter, a new scheme was started by the department for getting the application for grant of electricity connection through Suvidha App and pursuant to which, the complainant applied through Suvidha App for the commercial connection. It is further submitted that on 05.08.2021, application of the complainant was sent for inspection and during inspection, it was found that the complainant has established water plant and has applied for commercial connection whereas the electricity connection for water plant needs LTIS connection and accordingly, the complainant was



advised to change the connection, which is also evident from Annexure 4. But the complainant never rectified his application and therefore, connection was not given to him. Thereafter, on 08.02.2022, an inspection was made over the plot of the complainant on the instructions of the concerned Officers and during the inspection, the complainant was found involved in theft of electricity and accordingly, the present case was lodged against him. The instant complaint case is nothing but a counter blast of the case lodged against him for being involved in theft of electricity. There is inordinate and abnormal delay of one month in filing the complaint petition without assigning any plausible and convincing reason for the said delay. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail. Learned counsel for the complainant submits that there is direct allegation against the petitioner of not performing his duty deliberately due to non-fulfillment of the bribe demanded by him and other co-accused persons. Hence, he does not deserve the privilege of the anticipatory bail.

6. Having regard to the facts and circumstances of the



case and considering the arguments of the parties, the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 382 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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