

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40736 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- PHULWARISHARIF District- Patna

Sanjay Kumar S/O Sri Kapil Dev Vishwakarma Resident of Village-
Pachhiyari Tola, Nawada, P.S.- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Pranav Kumar Jha, learned counsel for

the petitioner and Ms. Sharda Kumari, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Special Case No. 339 of 2024 arising out of Phulwari Sharif P.S. Case No. 137 of 2024, F.I.R. dated 27.01.2024 for the offences punishable under Sections 341, 323, 307, 427, 325, 353, 504/34 of the Indian Penal Code and Section 135 of the Electricity Act.

3. According to prosecution case, this petitioner along with his father were consuming electricity by illegal means and when the informant who was junior engineer in the electricity department stopped them from doing so then they have assaulted the informant and his team members resulting into



injuries.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. in fact, the electricity connection was in the name of father of the petitioner and some altercation took place between the electricity department and the family members of the petitioner. He further submits that it appears from the F.I.R. that there is no specific allegation of assault or overt act against the petitioner rather there is general and omnibus against all the accused persons including this petitioner. He further submits that the informant alleged he has received injury in his leg but leg is not the vital part of the body, so Section 307 of the I.P.C is not applicable against the petitioner. Apart from that the father of the petitioner is a bonafide consumer and he has also been made accused in the present F.I.R.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is



no specific allegation against the petitioner and the injury of the informant is not on the vital part of the body, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge PESU Area, Patna in connection with Special Case No. 339 of 2024 arising out of Phulwari Sharif P.S. Case No. 137 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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