

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42986 of 2024

Arising Out of PS. Case No.-604 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Kanhaiya Kumar @ Kanhaiya Kumar Raj S/o Krishna Prasad @ Krishna
Kumar R/o Village Tarwan Koiri Tola, P.S. Siwan Mufassil, District Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar Advocate General office, Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Special Case No. 2889 of 2022 arising out of Siwan Mufassil P.S. Case No. 604 of 2022 instituted under Section 379 of the Indian Penal Code and Section 135 of the Indian Electricity Act, 2023.

3. As per the prosecution case, on 14.10.2022 the informant got information that the petitioner was throwing electric wire in his pond by cutting wire from the pole and when the informant alongwith A.E.E. (Rural) reached near the pond, 500 meter 33 KV Dog conductor was recovered and they also found 750 meter LT conductor worth Rs. 1,36,893 cut from the



agriculture feeder.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case due to village politics. He further submits that the name of the petitioner has been implicated due to village politics and only on the basis of suspicion as there is no eye-witness to the occurrence. Learned counsel submits that nothing has been recovered from the possession of the petitioner and he has no concern with the alleged pond from where the recovery has been made. He further submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Special Judge (Electricity), Muzaffarpur / Concerned Trial Court in connection with Special Case No. 2889 of 2022



arising out of Siwan Mufassil P.S. Case No. 604 of 2022,
subject to the conditions laid down in Section 438(2) of the
Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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