

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54996 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- MADHAURAH District- Saran

1. Akhilesh Prasad Yadav S/O Lakshman Rai R/O Village- Pojhi Bhuwalpur, P.S- Madhaura, Dist.- Saran (CHAPRA).
2. Saheb Rai @ Indrajeet Rai S/O Lakshman Rai R/O Village- Pojhi Bhuwalpur, P.S- Madhaura, Dist.- Saran (CHAPRA).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Madhaura P.S. Case No. 462 of 2023 registered for the alleged offences under Section 341, 323, 353, 427, 504 and 34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons abused and assaulted the electrician who was repairing a transformer. The petitioners also damaged some equipments.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR it is clear that the petitioners asked for removal



of the pole from their land and some altercation took place on this account. There is no injury report and there is no complaint received for disruption of electricity by any of the consumers as alleged in the F.I.R. Under these circumstances, no offences under Section 353 of the Indian Penal Code is made out against the petitioner. Petitioner no. 1 is having criminal antecedent of two cases and petitioner no. 2 is having criminal antecedent of one case and they are on bail in all these cases.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the no so serious nature of allegation and absence of injury report and further considering the possibility of false implication in the background of the dispute, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Saran, Chapra in connection with Madhaura P.S. Case No. 462 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:



- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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