

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8986 of 2024

Arising Out of PS. Case No.-131 Year-2023 Thana- KURSAKANTA District- Araria

Shyam Sah, Son of Manikchand Sah, Resident of Village- Rajola, Ward No. 5, P.S. - Sonamani (Godown O.P.), District - Araria

... .. Petitioner

Versus

1. The State of Bihar

2. Susant Kumar, Son of Kailash Prasad Sharma, Resident of Maya Bazar, Ward No. 3, P.S- Sadar, District- Saharsa, At Present- Junior Engineer, Electricity Supply Section, P.S.- Kursakanta, District- Araria.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate Mr. Dr. Bidhu Ranjan, Advocate Ms. Diksha Kumari, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the O.P. No. 2	:	Mr. Vinay Kriti Singh, Senior Advocate Mr. Akhileshwar Singh, Advocate Mr. Venkatesh Kirti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-10-2024 Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioner and Mr. Vinay Kriti Singh, learned Senior Counsel for the informant-opposite party no. 2 as also Mr. Md. Fahimuddin, learned APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Kursakanta P.S. Case No. 131 of 2023 registered for the offences punishable under Sections 420, 406, 467, 468/34 of the Indian Penal Code. He has no criminal antecedent. He is in custody since 29.08.2023.

3. As per the prosecution story, the informant alleged in the FIR that the petitioner and his brother, namely, Jitendra Sah used to realize the electricity bill from the people of Dumaria,



Sundari, Harira and Madhubani Gram Panchayat but did not deposit the same and no receipt were given to the villagers due to which the deposited money could not be adjusted in the consumers bill.

4. Learned Senior Counsel for the petitioner submits that he has been falsely implicated in this case only because his brother Jitendra Sah is the Bill Collector. The petitioner had never collected any money and he had no authority from the concerned electricity company to collect the consumer bills. He is in custody since 29th August, 2023 and the investigation against him is complete.

5. Mr. Vinay Kriti Singh, learned Senior Counsel for the Opposite Party No. 2 submits that the Junior Engineer of the Electricity Company has lodged the FIR after a complaint was received from some of the villagers of Gram Panchayat Dumaria, Sundari, Harira and Madhubani wherein it was alleged that the Bill Collector Jitendra Sah and this petitioner are collecting the amounts against the electricity bill from them but they are not depositing the same with the Office. It is submitted that on the basis of the said complaint, the present FIR has been lodged. It is, however, not denied that so far as this petitioner is concerned, he has not been engaged as Bill Collector.

6. Having regard to the submissions noted hereinabove



and noticing that this petitioner is not the Bill Collector and it was his brother who was authorized to collect the bills and it was his responsibility to deposit the same with the Company and further that this petitioner has remained in custody for over one year, investigation against him is complete, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Kursakanta P.S. Case No. 131 of 2023, subject to the condition as laid down under Section 437 (3) Cr.P.C.

7. And further condition that the learned court 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 learned court shall take steps 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.

8. This application is allowed.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--

