

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12933 of 2025

Arising Out of PS. Case No.-299 Year-2023 Thana- MADHUBAN District- East Champaran

1. Santosh Kumar Sah S/o- Shri Bhagwan Sah Village- Dihu Tola W.No-10, Ps- Madhuban Dist- East Champaran
2. Subodh Kumar Gupta S/o- Shri Bhagwan Sah Village- Dihu Tola W.No-10, Ps- Madhuban Dist- East Champaran
3. Uday Sahani @ Uday Kumar S/o- Ramrup Sahani Village- Dihu Tola W.No-10, Ps- Madhuban Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2025 Heard Mr. Suraj Kumar Tiwari, learned counsel
for the petitioners and Mr. Syed Ehteshamuddin, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Madhuban P.S. Case No. 299 of 2023, F.I.R. dated 24.06.2023 for the offences punishable under Sections 341, 323, 353, 379, 427, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have objected the installation of the electric smart meters and misbehaved with the employees



who were installing them and also assaulted the staff and damaged the mobile phone.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. As per allegation in the F.I.R, the petitioners have objected the installation of Electric Smart Meter and misbehaved with the persons who were installing the meters. He further submits that three boxes of smart meters were also missing from the place of occurrence. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that there is no specific allegation against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the date of occurrence as alleged in the F.I.R is 23.06.2023 but the present F.I.R has been instituted on 24.06.2023 i.e. after delay of one day without giving any explanation of the said delay.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners have misbehaved with the persons who were installing the electric smart meters.



6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is general and omnibus allegation against all the accused persons including these petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Motihari in connection with Madhuban P.S. Case No. 299 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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