

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40083 of 2026

Arising Out of PS. Case No.-68 Year-2026 Thana- HARSIDHI District- East Champaran

Shambhu Bhagat @ Shambhu Prasad S/o Late Nathuni Bhagat Resident of
Village- Bara Harpur, P.S - Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard Mr. Shakil Ahmad Khan, learned counsel for
the petitioner and Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.02.2026 in connection with Harsidhi P.S. Case No. 68 of
2026, F.I.R. dated 29.01.2026 for the offences punishable under
Sections 105 and 3(5) of the BNS, 2023 and Sections 135 and
138 of the Electricity Act.

3. According to prosecution case, the informant
alleged that this petitioner along with other accused persons
were stealing electricity from naked wire and coming in contact
with the said wire the husband of the informant died and when
the informant asked from the accused persons about the said
wire, they threatened her for dire consequences.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The date of occurrence as alleged in the FIR is 26.01.2026 but the present FIR has been instituted on 29.01.2026 i.e., after delay of 3 days without giving any explanation of the said delay. Apart from that it appears from the FIR that the petitioner has been made accused in the present case due to some previous dispute. He further submits that the husband of the informant died due to electric shock and petitioner has no role at all in the present occurrence and the electricity department has not instituted any FIR against the petitioner till date. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.02.2026.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Judicial



Magistrate 1st Class, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 68 of 2026, subject to the 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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