

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38727 of 2015

Arising Out of PS.Case No. -252 Year- 2014 Thana -MAKHDUMPUR District- JEHANABAD

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1. Ranjan Mistri @ Ranjan Sharma, Son of Chandra Mistri, Resident of
Village- Sahepur, P.S.- Muffasil, Distt.- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State of Bihar Electricity Board Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Sharma(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 30-09-2015

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
379, 411 of the Indian Penal Code and 136 of the
Electricity Act.

The prosecution case is that co-accused Bhutu
Ram, Suryamani Pandey and Sanjay Kumar Singh were
apprehended with 25 K.g Aluminum wire along with huge
quantity of equipment meant for cutting the aluminum
wire from the electric pole. The apprehended accused
Sanjay Kumar Singh confessed that the stolen wires were
handed over to the petitioner also.

It is submitted by the learned counsel for the



petitioner that only on confessional statement of apprehended accused the accusation has been levelled and even assuming the statement of the apprehended accused only offence under Section 411 of the Indian Penal Code is made out, but till date the house of the petitioner has not been raided. Though, stolen articles have been recovered from the house of Subodh Singh. Statement to that effect has been made in paras 3 and 4 of the supplementary affidavit which reads as follows:-

“3. That the raid was made by the police in the house of co-accused and stolen articles was recovered from his house and the petitioner is not concerned with the alleged offence.

4. That the house of the petitioner is five kilometers away from the co-accused Subodh Singh and the police has never raided of the house of the petitioner, so recovery was made only from the own house of Subodh Singh.”

Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Electricity), Magadh Area, Gaya in connection with Makhdumpur (Tehta) P.S. Case No. 252 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

The bail bond of the petitioner shall be accepted by the learned court below on filing affidavit to the effect that he will cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

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