

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16161 of 2021**

Arising Out of PS. Case No.-347 Year-2020 Thana- GANDHIMAIDAN District- Patna

Bir Bahadur Rawat @ Veer Bahadur Rawat @ Beer Bahadur Rawat, aged about 35 years, gender: male, S/o Sri Surendra Rawat, R/o Village- Faijulahpur @ Fajalpur, P.S.- Baikunthpur, Dist- Gopalganj, Present address- Bhattacharya Chawk, P.S.- Gandhi Maidan, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar, Mr. Rananjay Kumar, Advocates
For the State	:	Ms. Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 14-06-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up after being specially notified under orders of Hon'ble the Chief Justice.

3. Heard Mr. Md. Anis Akhtar, learned counsel along with Mr. Rananjay Kumar, learned counsel for the petitioner and Ms. Shaheen Begum, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner is in custody in connection with Gandhi Maidan PS Case No. 347 of 2020 dated 29.11.2020, instituted under Sections 379, 411/34 of the Indian Penal Code and 136 of the Electricity Act, 2003.

5. The allegation against the petitioner is that he, being a labourer, was stealing wire of the electric company and



loading it on a pickup van and was arrested along with the driver and khalasi of the said van.

6. Learned counsel for the petitioner submitted that the incident is alleged to have taken place at 7.55 AM on 29.11.2020 and it is public knowledge that the place of occurrence is very near to the place where early morning labourers assemble and they are picked up by the persons for doing various jobs, which he was doing, without any understanding of the legal issues. Thus, it was submitted that being a labourer, he was hired to lift the wire and put it on the pickup van, which he was doing, as has also been admitted in the FIR itself. Learned counsel submitted that besides being a poor daily-wages labourer, the petitioner has no criminal antecedent and is in custody since 29.11.2020.

7. Learned APP submitted that the petitioner was arrested at the spot while trying to steal wire belonging to the electric company.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ, Special, Pesu, Patna, in Gandhi Maidan PS Case No. 347 of 2020,



subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (ii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses and (iii) that the petitioner shall cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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