

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68013 of 2021

Arising Out of PS. Case No.-531 Year-2012 Thana- SUPAUL District- Supaul

VIJAY KUMAR YADAV Son of Shri Brahmdeo Yadav Resident of Village-
Sapardaha, P.S.- Supaul, District- Supaul

... .. Petitioner

Versus

1. THE STATE OF BHAR
2. The North Bihar Power Holding and Distribution Company Ltd. through the
Asst. Electrical Engineer Electricity Supply Sub- Division, Supaul.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Amrit Abhijat, Adv.
For O.P. No. 2	:	Mr. Shrekant Sharan Singh, Adv.
For the Opposite Party/s	:	Mr.Lalan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner, learned
counsel for the N.B.P.H.D.C. Ltd. and learned A.P.P. for the
State.

The petitioner seeks pre-arrest bail in connection with
Supaul P.S. Case No. 531 of 2012, registered under Sections 379
of the Indian Penal Code read with Section 135 of the Indian
Electricity Act.

The allegation against the petitioner is relating to theft
of electricity. In the F.I.R., there were in total five named
accused persons for there. Petitioner is one of them.

Learned counsel for the petitioner submits that after
completion of investigation, final report under Section 173/174

of Cr.P.C. have been submitted, in which police has found the petitioner as innocent. It has been argued on behalf the petitioner and stated in paragraph-6 of the petition that learned court has taken cognizance against him vide order dated 26.06.2015. The petitioner further submits that he was completely unaware of the cognizance order and also unaware about cognizance order, subsequently upon rumour, he got information that warrant has been issued against him, thereafter inspected the record and thereafter he moved for anticipatory bail in A.B.A. No. 980 of 2021 which was rejected on 30.09.2021 by Sessions Judge. He further submits that the section under which the petitioner has been charged are compoundable in nature, on earlier occasion he could not approach due to the reason that final form has already been submitted against him and he has no knowledge of taken cognizance against him by the Court.

Learned counsel for the State opposes the prayer for bail whereas learned counsel for the North Bihar Power Holding and Distribution Company Ltd. submits that it is well within the power of the court that court may take cognizance varying from the police report submitted under Section 173 of the Cr.P.C.

Considering the facts and circumstances of the case

and upon perusal of record that petitioner was found innocent in the report submitted by the Investigation Officer under Section 173 of Cr.P.C. but the court has taken cognizance later about which petitioner has no information, let the petitioner, above-named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Supaul P.S. Case No.531 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Dr. Anshuman, J)

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