

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4676 of 2023

Arising Out of PS. Case No.-332 Year-2022 Thana- PIPRA District- East Champaran

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Vinay Kumar S/O Rampravesh Mahato R/V- Mathia, Bariarpur, P.S.-
Piprakothi, District- East Champaran At Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. North Bihar Power Distribution Co. Ltd. Through Junior Engineer
Electricity Branch Chakia, East Champaran At Motihari

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar
For the NBPDCCL	:	Mr. Lokesh Kumar Singh
For the State	:	Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-07-2023 Heard learned counsel for the parties.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 379, 411 of the Indian Penal Code.

The prosecution case as per F.I.R is that the Electrical Engineer, Electricity Branch, Chakia received an information that some unknown persons are cutting 33 KV wire. On getting such information, he reached at the place where, on enquiry, the villagers told that due to *hulla*, though the accused fled away but a pick-up van



and the driver namely Vinay Kumar were apprehended by the villagers which were later on handed over to the police. Some cutting wire from electric pole were recovered from the vehicle in question. The Electricity Department calculated the loss to the tune of Rs. 3,09,776/-.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner has no concern either with the alleged pick-up van or the stolen wire. It is the case of the prosecution that petitioner was apprehended by local villagers, but the seizure list has not been attested by any independent witness, nor it has been attested by any person concerned with the electricity department which is contrary to the mandatory provisions of Section 100 of the Code of Criminal Procedure. The petitioner is languishing in custody since 17.11.2022. A statement has been made in para 3 of the petition that petitioner has no criminal



antecedent.

In contra, learned counsel appearing on behalf of the North Bihar Power Distribution Company Limited and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that petitioner was apprehended from the spot and from the vehicle which was being driven by him, stolen wires were recovered. The Electricity Department has also suffered a loss of Rs. 3,09,776/-.

The petitioner, in the alternative, is ready to pay Rs. 1,00,000/-(One Lac) to the Electricity Department, subject to the final outcome of the case.

The petitioner is directed to pay Rs. 1,00,000/- (One Lac) to the Electrical Executive Engineer, North Bihar Power Distribution Company Limited, Chakia Division, East Champaran, Motihari.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-



(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pipra P.S. Case No. 332 of 2022.

The bail bonds of the petitioner will be accepted by the learned Court below on showing receipt of Rs. 1,00,000/-(One Lac) to be paid in favour of Electrical Executive Engineer, North Bihar Power Distribution Company Limited, Chakia Division, East Champaran, Motihari.

The aforesaid payment will be subject to the final outcome of the case.

(Sunil Kumar Panwar, J)

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