

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65887 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- PASRAHA District- Khagaria

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1. Chandan Kumar @ Chandan Bhagat, Son of Jawahar Bhagat, Resident of Village & P.S.- Naugachia, District- Bhagalpur.
 2. Sirjesh Kumar Yadav @ Shrijesh Kumar, Son of Bhodio Prasad Yadav, Resident of Village- Laxmipur Pakra, Ward No- 2, P.S.- Naugachia, District- Bhagalpur

... .. Petitioners

Versus

1. The State of Bihar.
2. The Assistant Electrical Engineer, Electricity Supply Sub Division, Gogri, P.S.- Pasraha, District- Khagaria.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Binod Kumar, APP
For O.P. No. 2	:	Mr. Kumar Priya Ranjan, Add. SC Ms. Nirmala Singh, JC

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the Opposite Party No. 2.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Pasraha P.S. Case No. 58 of 2021 registered for the offences punishable under Section 379 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984. They have got one criminal antecedent.

3. As per the prosecution story, the informant, namely, Sri Santosh Kumar, Assistant Electric Engineer, Electricity Supply Sub-Divisional, Gogri alleges that he along with his staffs during course of inspection on 28.04.2021 at about 04:30 P.M. found that

33kv Karna line was built for Maheshkhunt Power House to Karna Vidyut Shakti Sub-division and three phase conductors of that line have been stolen by unknown thieves and ten '9 meter PSC Pole' have been damaged. Earlier, one CKM wire of 33kv line from Pasraha Dhala to Pasraha Petrol Pump had also been stolen by unknown thieves due to which the Electricity Department had to suffer a loss of Rs.10,05,060/-.

4. Learned counsel for the petitioners submits that the name of the petitioners have transpired in the confessional statement of co-accused, namely, Md. Kayum. It is submitted that there is no recovery of any stolen article from the possession of the petitioner.

5. Learned counsel submits that the co-accused, namely, Md. Farukh @ Faruk @ Md. Faruk has been granted privilege of anticipatory bail by this Court in Cr. Misc. No. 16619 of 2023.

6. Learned APP for the State and learned counsel for the opposite party no. 2 are present and have jointly opposed the prayer for anticipatory bail of the petitioners.

7. Having regard to the facts and circumstances of the case wherein it is submitted that the name of the petitioners have transpired in the confessional statement of the co-accused Md. Kayum, there is no recovery of any stolen article from the possession of the petitioners and co-accused Md. Farukh @ Faruk

@ Md. Faruk who is similarly situated has been granted privilege of anticipatory bail by this Court in Cr. Misc. No. 16619 of 2023, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Pasraha P.S. Case No. 58 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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