

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75932 of 2023**

Arising Out of PS. Case No.-238 Year-2021 Thana- TAJPUR District-
Samastipur

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CHANDAN KUMAR SON OF KAMESHWAR RAI RESIDENT OF VILLAGE-
BHUSARI, P.S. MUFFASIL, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Brajesh Kumar Singh, learned counsel

for the petitioner and Mr. Shahabuddin Azeem @ S. Azeem

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection

with Tajpur (Halai O.P.) P.S. Case No. 238 of 2021 registered

for the offence under Sections 379 of the Indian Penal Code.

The case relates to commission of theft of

electricity causing loss to the tune of Rs. 6,91,562/-to the

North Bihar Power Distribution Company Limited.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. He

further submits that in fact, the petitioner is not named in



the F.I.R. but merely on the basis of confessional statement of the co-accused, namely, Avinash Kumar on whose possession incriminating articles relating to the electricity have been recovered, name of this petitioner has been dragged in this case. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. The petitioner has no concern at all with the theft article and the co-accused.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 238 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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

(Rajesh Kumar Verma, J)

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