

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15191 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- JOKIHAT District- Araria

Chhotu Kumar, S/o Domar Lal Bahardar @ Domar Lal Mahaldar, Resident of Village-Dhangawan, Ward No.10, P.S.-Mahalgaon, District-Araria, Pin-854311.

... .. Petitioner

Versus

1. The State of Bihar
2. Raj Narayan Thakur, J.E. (E), Jokihat, Resident of Makkipur, P.S-Kodha, Distt- Katihar at present at Electrical Supply Division Jokihat, Arariya

... .. Opposite Parties

Appearance :

For the Petitioner/s :	Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Akbar Ali, APP
For the Opposite Party No.2:	Mr. Shrikant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned counsel for the informant.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Jokihat P.S. Case No.172 of 2023 registered under Sections 379 and 411 read with 34 of the Indian Penal Code.

3. Allegation against the petitioner is to commit theft and while doing so, taken away oil of electric transformer having capacity of 100 KV installed at



village-Chakai, Ward No.3, P.S.-Jokihat, District-Araria.

4. It is submitted by learned counsel that the specific allegation *qua* involvement in present occurrence is available against co-accused, Mithilesh Kumar, Kamlesh Kumar and Raja Kumar, whereas the allegation against petitioner appears very casual and limited to the extent that he was found roaming by villagers along with apprehended co-accused persons near to transformer in issue from where its oil was stolen. It is submitted that petitioner further implicated with this case as he is facing prosecution of similar nature out of Jokihat P.S. Case No. 355 of 2022 dated 06.07.2022. It is submitted that this fact is the part of FIR itself. While concluding argument, it is submitted that petitioner in aforesaid case is on bail.

5. Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of nature of allegation, which appears not



available specifically against petitioner rather same is available against co-accused, Mithilesh Kumar, Kamlesh Kumar and Raja Kumar, where implication with present case also appears out of criminal antecedent only, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the trial court within a period of four weeks, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No.172 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC with further conditions:-

(i) That petitioner shall not involve in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in investigation and the trial and shall be physically present on each and every date before the Trial Court



till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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