

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15038 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- BAIRIYA District- West Champaran

=====

Vinay Kumar S/O Sri Vinod Padit R/O Village- Jamuniya, P.S- Jogapatti
(SHANICHARI), Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chairman, North Bihar Power Distribution Co. Ltd., At Patna. Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	: Mr. Umesh Chandra Verma, Advocate
For the Opposite Party No. 2	: Mr. Shrekant Sharan Singh, Advocate
For the State	: Mr. Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 266 of 2023 dated 06.09.2023 registered for the
offence punishable under Section 379 of the Indian Penal Code.

3. The prosecution case, in short, is that on the date of
occurrence at about 10:30 am during patrolling it was detected
that altogether about 3.5 circuit km long HT conductor and
about 0.6 km long LT cable were stolen away by cutting the
same and causing economic loss to the tune of Rs. 4,77,596/- to
the Bihar Power Distribution Co. Limited.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. It is submitted that petitioner was apprehended in Jogapatti P.S. Case No. 475 of 2023 on 08.10.2023 in which his confessional statement was recorded and on the basis of his confessional, the petitioner has been made accused in the present case. It is submitted that in Jagopatti P.S. Case No. 475 of 2023 there is recovery of electric wire which is subject matter of present case, from the Pickup Van in which the petitioner was Assistant Driver (Khalasi). It is also submitted that petitioner has been granted bail in Jagopatti P.S. Case No. 475 of 2023 *vide* order dated 12.03.2024 passed in Criminal Miscellaneous No. 14991 of 2024. It is further submitted that except the confessional statement of the petitioner and that of co-accused, there is no other evidence or material to show his involvement in the present case. Lastly, it has been submitted that the petitioner is in custody since 15.12.2023, having six criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 266 of 2023, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. 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.

(Khatim Reza, J)

prabhat/-

U		T	
---	--	---	--

