

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31662 of 2024

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

Vijay Kumar Paswan Son Of Sri Ramashary Paswan @ Ramsharan Paswan
Resident Of Village - Gariba, Ward No. 14, P.S. - Paroo, District -
Muzaffarpur

... .. 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. Sagar Kumar, Adv.

Mr. Hemant Ray, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-05-2024 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 Sections 379 of the Indian Penal
Code.

3. The prosecution case, in short, is that on the date of
occurrence at about 10:30, 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 unknown thieves 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 is not named in the F.I.R.. The F.I.R. has been lodged against unknown accused persons. Only on the basis of self-confessional statement, the petitioner has been made accused in this case. It is submitted that similarly situated persons, namely, Vinay Kumar and Munna Kr. Verma has been granted bail *vide* order dated 13.03.2024 passed in Criminal Miscellaneous No. 15038 of 2024 and Munna Kr. Verma has been granted bail today itself by this Court *vide* Criminal Miscellaneous 29429 of 2024. Lastly, it has been submitted that the petitioner is in custody since 15.12.2023, having one criminal antecedent 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)

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