

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57469 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- BHAPTIAHI District- Supaul

Roshan Kumar @ Roshan Kumar Yadav son of Jai Kumar Yadav Resident of
Dargahi PS -Narpatganj District -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Shadab Alam, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Md. Shadab Alam, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bhaptiyahi P.S. Case No. 121 of 2024
registered for the offences punishable under Section 379 of the
Indian Penal Code and Section 139 of The Electricity Act, 2003.

3. The written report has been submitted by the
Assistant Electrical Engineer, Electricity Supply Sub-Division,
Raghopur, alleging therein that on 13.05.2024, almost 750
meters of 33 KV wire was cut down and stolen by the unknown
thieves causing a loss of Rs. 6,25,000/- to the North Bihar
Power Distribution Company Limited. The FIR has been
instituted against unknown miscreants. However, during the



course of investigation, the police conducted raid and from the rented shop of the petitioner, 65 bundles of electric wire weighing 2372.5 Kg. was recovered.

4. It is contended on behalf of the petitioner that the alleged recovered wire has never been put on T.I. parade as to whether it is the subject matter of crime. It is next contended that only on account of some dispute with the owner of the shop, the name of the petitioner has been implicated in this case, though the petitioner has no concern with the shop in question from where recovery has been made. It is further contended that the crime in question is triable by the Magistrate and so far Section 139 of the Electricity Act, 2003 is concerned, it only attracts fine. Now the petitioner is in custody since 17.06.2024; having absolutely fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the petitioner is in custody since 17.06.2024, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of learned C.J.M., Supaul in connection with Bhaptiyahi P.S. Case No. 121 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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