

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74127 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- RAHUI District- Nalanda

Vinod Kumar @ Vinod Ram Son of Late Suraj Ram village- Sarmera, Ps-
Sarmera, Dist- Nalanda Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-10-2024 Heard Mr. Deepak Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Rahui P.S. Case No. 48 of 2024 for the offence punishable under Section 379 of the Indian Penal Code lodged on 30.01.2024 by the informant, Ankul Srivastava.

3. As per the prosecution story, the informant who is Junior Electrical Engineer of Electricity Department, Rahui, Nalanda alleged about stolen cable. Upon verification, it was found that 13, 12, 12 and 10 spans of AB cable from the 25 KVA transformer were removed causing loss of 2,45,000/-. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he being the 'Chowkidar' of the said campus from where the recovery has been made, implicated. Further, in all the cases being the 'Chowkidar', the implication has come which is



reflected in para-3 of the petition. He has already suffered by being in custody since 09.05.2024 (para-17 of the petition). Last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner would like to make payment of Rs.25,000/-through Demand Draft issued by the local branch of the State Bank of India addressed to the Executive Electrical Engineer, Electric Supply Section, Rahui, Nalanda.

5. Learned APP opposes the prayer submitting that he being the 'Chowkidar', cannot exonerate from the responsibility, allegation.

6. There is force in the submission of the learned APP and the petitioner being the 'Chowkidar', it was his duty to ascertain the material that is coming in the campus. However, the FIR has been lodged, he will be facing the trial and is in custody since 09.05.2024 and has further undertaken to pay Rs. 25,000/- through Demand Draft issued by the local branch of the State Bank of India addressed to the Executive Electrical Engineer, Electric Supply Section, Rahui, Nalanda, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of



like amount each to the satisfaction of learned Additional Chief
Judicial Magistrate-2, Nalanda, in connection with Rahui P.S.
Case No. 48 of 2024 subject to the following conditions:

(i) one of the bailor should be the family
member/relative of the petitioner who shall provide official
document to show his bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his
bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every fortnight for next six months to mark his
attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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