

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77968 of 2024

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

Mithlesh Kumar @ Mithilesh Kumar S/O Tuntun Tanti R/O Village-
Khamhar, Police station- Mufsil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-01-2025 Heard Mr. Ajay Mukherjee, learned counsel for
the petitioner and learned APP for the State.

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

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 F.I.R.

4. Learned counsel for the petitioner submits that



though he has criminal antecedent, in this case has been implicated, has nothing to do with the recovery from the Pick-Up Van. He further submits that the Police alleges his role on the said point and records about about the recovery of a mobile, it is not their case that the same is stolen property. He submits that one of the co-accused Vinod Kumar has been extended relief in Cr. Misc. No. 74127 of 2024, he is in custody 22.05.2024 and further the submission is that without accepting the allegation and/or the outcome of the present petition the petitioner on its own would like to contribute Rs.25,000/- in favour of Electricity Supply Department, Rahui, Nalanda by the Demand Draft issued by the local State Bank of India.

5. Learned APP Mr. Jitendra Kumar Singh for the State opposes the prayer for bail submitting that he made a confessional statement and there is recovery of a mobile from his room.

6. Having gone through the facts and the materials on record, he is in custody since 22.05.2024, charge-sheet already submitted, will be facing the music, co-accused Vinod Kumar has been extended relief as stated above, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 25,000/- as undertaken by the learned counsel



for the petitioner to be paid to the Electricity Supply Department, Rahui, Nalanda by the Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the Trial Court.

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-II/Court concern, Nalanda at Biharsharif 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 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 one year 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 bail bonds.

(Rajiv Roy, J)

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