

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87868 of 2024**

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

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1. Satyendra Kumar Giri S/O Prabhu Giri R/O Vill.- Kaithbaliya, P.S.- Yogapatti, Dist.- West Champaran.
  2. Amit Kumar S/O Amrika Sah R/O Vill.- Kaithbaliya, P.S.- Yogapatti, Dist.- West Champaran.
  3. Satish Kumar S/O Rajendra Giri R/O Vill.- Sehrua, Birti Tola, P.S.- Yogapatti, Dist.- West Champaran.

... .. Petitioners

Versus

1. The State of Bihar.
2. Junior Electric Engineer, Electric Supply Unit, Rahui, SBPDCL Ltd. Bihar.

... .. Opposite Party

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**Appearance :**

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| For the Petitioners | : | Mr. Raj Kishor Prasad, Advocate |
| For the SBPDCL      | : | Mr. Deepak Kumar, Advocate      |
| For the State       | : | Mr. Shailendra Kumar Singh, APP |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      28-02-2025                      Heard Mr. Raj Kishor Prasad, the learned counsel for the petitioners, Mr. Deepak Kumar, the learned counsel appearing on behalf of South Bihar Power Distribution Company Limited and Mr. Shailendra Kumar Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are in judicial custody in connection with Rahui P.S. Case No. 48 of 2024, registered for the offence punishable under Section 379 of the Indian Penal Code, lodged on 30.01.2024 (G.R. No. 475 of 2024) by the informant, Ankul Srivastav.



3. As per the prosecution story, the informant, who is Junior Engineer, Electricity Supply Branch, Rahui received information regarding theft of three phase four wire AB cables and when he reached the alleged place, he found 13, 12, 12 and 10 spans respectively of AB cables have been stolen from two 25 KVA transformers, causing a loss of approximately Rs. 2,45,000/- to the SBPDCL.

4. Learned counsel for the petitioners submit that only because of their criminal antecedents, they have been implicated again and again, have remained in custody since 09.05.2024. Last submission is that irrespective of the outcome of the present case and / or accepting the allegation, the petitioners would like to make payment of Rs. 25,000/- each (Rs. 75,000/- total) 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 counsel appearing on behalf of South Bihar Power Distribution Company Limited on the other hand opposes the prayer submitting that they have been named and also have criminal antecedents.

6. Though the fact remains that the allegation against the petitioners show that they have caused revenue loss



to the Department and also affected the area by their alleged act, however, considering the fact that they have remained in custody since 09.05.2024, an undertaking has been given that they shall not indulge in any such criminal activity again and failure to do so, the prosecution shall be free to take steps for cancellation of their bail bonds immediately, one of the co-accused as stated above, Vinod Kumar @ Vinod Ram has been granted bail by this Court *vide* order dated 22.10.2024 passed in Cr. Misc. No. 74127 of 2024, in that background, this Court is inclined to extend them the privilege of bail, subject to payment of Rs. 25,000/- each (Rs. 75,000/- total) 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.

7. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Nalanda at Biharsharif, in connection with Rahui P.S. Case No. 48 of 2024, subject to the following conditions:

(i) one of the bailors should be the family member / relative of the petitioners, who shall provide official document



to show their bona fide;

(ii) the petitioners 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 their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for the next six months to mark their attendance;

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

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

**(Rajiv Roy, J)**

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