

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27188 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- MADHEPURA District- Madhepura

Sushant Raj S/o Sanjeev Kumar R/o Village - Murbala, South, balam Gadhia,
Ward No. 13, P.S - Madhepura, District - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Junior Engineer, North Bihar Power Distribution Company Patna Bihar
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Pooja Prasad, Adv
	:	Mr. Uday Chand Prasad, Adv
	:	Mr. Manoj Kumar, Adv
For the Opposite Party/s	:	Mr. Vivek Prasad, APP
For the O.P. No. 2	:	Mr. Vaibhava Veer Shanker, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2026

Heard the parties.

2. The petitioner is not named in the F.I.R. and apprehending his arrest in connection with Madhepura P.S. Case No.03 of 2026 registered for the offences punishable under Section 303(2) of the BNS and Section 136 of the Electricity Act.

3. As per FIR, two persons were found running after committing theft of transformer oil through motorcycle, who were apprehended by villagers, who took their photographs and let them go due to fear. One of them was identified as Dilkhush Kumar, petitioner was not named in the FIR.

4. It is submitted by learned counsel appearing on behalf of the petitioner that theft of transformer oil as alleged



was not seen in possession of petitioner including co-accused, while they were stopped for a while by villagers. It is submitted that several co-villagers gathered over there, who identified one of the person in the photograph as Dilkhush Kumar, but none of the villagers identified this petitioner and during the course of investigation it was disclosed by some unknown villagers that this petitioner was the same person, who was with Dilkhush Kumar, in committing theft. While concluding argument, it is submitted that above named petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for O.P. No. 2 namely Junior Engineer, North Bihar Power Distribution Company Patna, while opposing the prayer of bail submitted that name of this petitioner was disclosed by villagers during the investigation, but conceded that the petitioner was implicated on the basis of photographs taken by the villagers and no stolen transformer oil was recovered, but conceded that no villagers said to informant, who is the Junior Engineer that the petitioner was found in possession of transformer oil when they were stopped by villagers.

6. In view of aforesaid factual submission and by taking note of fact as villagers prima-facie failed to disclose whether petitioner was with stolen transformer oil, while they



were stopped immediately after the occurrence creating a prima-facie doubt *qua* allegation, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura/concerned Court, where the case is pending in connection with Madhepura P.S. Case No.03 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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