IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66969 of 2026

CNR No. BRHC010974832026

Arising Out of PS. Case No.-224 Year-2026 Thana- SAUR BAZAR District- Saharsa

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Sushil Kumar S/O Satya Narayan Mahto R/O Basti, Ward no 31, P.s.- Sadar Saharsa, Dist.- Saharsa.

... ... Petitioner/s

Versus

1. The State of Bihar
2. The North Bihar Power Distribution Company Ltd. through Assistant Electricity engg. Electric Supply Saur Bazar, Saharsa.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh, APP.
For the Respondent No. 2 Ms. Y. Madhavi, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

3 05-11-2026 Heard the learned counsel for the petitioner and the learned counsel for respondent no. 2 as also the learned APP for the State.

2. The petitioner is seeking regular bail in connection with Saurbazar P.S. Case No. 224 of 2026, registered for the punishable under Sections 303(2) of the BNS and Section 136 of the Indian Electricity Act, later on added Section 317(2) and 112 of the BNS.

3. The allegation against the petitioner is that he is associated with the execution of the work relating to the construction of a 33/11 KV Power Sub-Station (PSS) and its

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connected electricity line under the Revamped Distribution Sector Scheme (RDSS) of the Government of India. The said work was awarded to Cabcon India Ltd. and was subsequently entrusted to M/s Shyama Fertilizer under Work Order No. CIL/109/EPC/00007. It is alleged that on 30.07.2026, after completing the work on the electricity line from PSS Saur Bazar to PSS Patuwaha, the work executing team returned home. However, upon visiting the site on 31.07.2026, they discovered that unknown persons had stolen approximately 1,830 metres of Wolf conductor wire (610 metres × 3) from the area near Bhagwanpur Canal Chachari, extending from the three-pole point (T.P.) up to the fourth pole towards the Tilave River.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case merely on the basis of the confessional statement of co-accused Sanish Kumar, who allegedly disclosed that the stolen wire had been sold to the petitioner, whereas the same was recovered from the possession of co-accused Rampravesh Kumar and not from the petitioner as stated in para 8 of the petition. He has

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further submitted that no stolen article was recovered from petitioner's storeroom during the search conducted by the police. He has also submitted that he has already filed a supplementary affidavit in which, it has been stated that his father namely Satya Narayan Mahto is a registered contractor of the electricity department and as such, the allegation which has been levelled against the petitioner is fully misconceived. Further submission is that as per CDR, the petitioner has conversed with co-accused Mithun Sharma large number of times since January, 2026 which does not establish his complicity. He has also submitted that three other cases have been shown as the petitioner's criminal antecedents, although he has neither been made an accused nor remanded in those cases. The petitioner has been in judicial custody since 06.08.2026. Lastly, learned counsel for the petitioner undertakes that the petitioner shall cooperate with the trial and shall not indulge in the commission of any offence in future.

5. On the other hand, the learned APP for the State and the learned counsel for the opposite party no. 2 have opposed the prayer for bail.

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6. Taking into consideration the entire facts and circumstances of the case, particularly the fact that the petitioner has not been named in the FIR and that, his father is a contractor in the Electricity Department and the alleged confessional statement of the co-accused to the effect that the stolen wire was purchased by the petitioner appears to be doubtful, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned ACJM-II/concerned Court, Saharsa in connection with Saurbazar P.S. Case No. 224 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

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(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the three cases as mentioned in paragraph no. 3 of the main bail petition, his bail bond will not be accepted. The case mentioned in paragraph no. 3 of the main bail petition is as follows:-

(a) Saurbazar P.S. Case No. 156 of 2026.

(b) Saurbazar P.S. Case No. 168 of 2026.

(c) Simri Bakhtiarpur P.S. Case No. 205 of 2026.

(v) It is also made clear that there shall be no delay in verifying the criminal antecedent of the petitioner and the delay shall not extend beyond a period of ten days.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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