

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16214 of 2016

Arising Out of PS.Case No. -453 Year- 2015 Thana -WAJIRGANJ District- GAYA

Gautam Kumar, son of Anil Prasad, Resident of Village Parwalpur, P.S. Parwalpur, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in jail custody since 5.11.2015 in connection with Wazirganj P.S. Case No.453 of 2015 for offences punishable under sections 395 and 397 of the Indian Penal Code.

The prosecution case as alleged against unknown 7-8 persons stated therein that on 2.11.2015 at 9.30 P.M. the informant who is the driver of Pickup Van No. BR-27-5410 along with Dharmendra Kumar 2. Sudhir Kumar and 3. Gautam Kumar son of Vijay Prasad who is businessmen of Nardiganj started for Nardiganj after loading grocery articles on his said pickup Van at Gaya and reached near old Crasher Machine near Budha restaurant at 10.30 P.M. suddenly one Sumo Victa over



took his pickup Van and stopped in front of his vehicle. Thereafter about 7/8 unknown persons got down of Sumo and on the point of pistol captured the informant and other and took them in their Sumo. They covered them with blanket in the Sumo and also drove the informant's pick up Van loaded with grocery articles and proceeded ahead. After going some distance the miscreants took them to a lonely paddy field and looted cash of about Rs.8,500/-, mobile phones and golden chain from them. Thereafter they fled away with the pickup Van loaded with grocery articles worth Rs.3,00,000/- and cash. Some of the miscreants kept them arrested till 3A.M. and thereafter they freed them.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has not committed any offence. On being apprehended by the police he has confessed of the alleged occurrence and only one tin mustard oil and one bag of *masoor dal* of 50 Kg has been found in the cabin of Uninor T.V. Tower where he was the Chowkidar.

Learned APP for the State submits that although he is not named in the FIR, on his own confession he does not deserve bail.

Considering the period of custody and that he has no

criminal history except one case of Arms Act which is for the same occurrence, let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of like amount to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Wazirganj P.S. Case No.453 of 2015.

(Nilu Agrawal, J)

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