

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36007 of 2019**

Arising Out of PS. Case No.-14 Year-2019 Thana- KHARIK District- Bhagalpur

Ashok Kumar @ Driver Ashok Son of Ratan Ram Resident of Village-
Mumtaj Mohalla, Naugachia, P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Viveka Nandsingh, Advocate

For the Opposite Party : Nirmala Kumari, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 04-09-2019 Heard learned counsel for the petitioner, the State as well as perused the case diary.

Petitioner is an accused in a case registered for the offence under sections 406 and 120B of the Indian Penal Code.

Petitioner, being a driver of the pickup van, is alleged to have illegally unloaded a consignment of shoes with the help of two persons who were lifted by him in course of transporting the consignment.

Learned counsel for the petitioner submits that the allegation against the petitioner is false as he is merely a driver of the vehicle and is no way connected with the loot of consignment. Further, there is no recovery from his possession to connect him with the offence. He and the owner of the vehicle met the informant and reported him regarding the loot immediately after the occurrence. He has no criminal antecedent



and is in custody since 17.1.2019. Further, no offence under section 406 IPC is made out against him.

Considering the facts of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Naugachia in Kharik Police Station Case No. 14/2019, subject to the condition that the petitioner shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioner.

(Prabhat Kumar Singh, J)

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