

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.24025 of 2021**

Arising Out of PS. Case No.-302 Year-2019 Thana- DAUDNAGAR District- Aurangabad

JWALA PRASAD @ JWALA DRIVER Son of Late Lalan Prasad Resident of  
Village - Malkopa, P.S.- Barun, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD  
ORAL ORDER**

2      03-12-2021                      Today being Friday, matters are being taken up  
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the  
State.

This Court would expect that the petitioner's  
Counsel would honour his undertaking in the instant  
proceedings regarding supply of requisite court fee etc. within  
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Daudnagar  
P.S. Case No. 302 of 2019 registered under Sections 395 and  
397 of the Indian Penal Code.

Five persons have intercepted the informant and  
they have snatched cash more than Rs. 20 lakhs which he was  
carrying. It is alleged that miscreants have also fired upon him.



The counsel for the petitioner submits that on confessional statement of co-accused Nitish Kumar, the petitioner was implicated in this case. Such exculpatory statement cannot be made basis of the petitioner's implication in law. He further submits that at best the said Nitish Kumar had stated that he had called the petitioner who was driver of *Scorpio* vehicle belonging to one Kali Yadav for transporting some goods from one place to other. The counsel submits even at best, the petitioner was performing his professional duty and cannot in any way be associated with the occurrence. The said Nitish Kumar who has implicated the petitioner, has since been allowed bail in Cr. Misc. No. 6/2020. The petitioner has no criminal antecedents and he is in custody now since 07.01.2021 on which date he has voluntarily surrendered before the Court, this also shows his bona-fide.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar in Daudnagar P.S. Case No. 302 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

SUMIT/-

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