

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12438 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- WAJIRGANJ District- Gaya

SUBHASH KUMAR @ PREM KUMAR Son of Gajadhar Singh Resident of
Village- Bhadan, P.S.- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pathak

For the Opposite Party/s : Mr. Akbar Ali

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Wazirganj P.S. Case No. 469 of 2022,
registered for the offences punishable under Sections 395, 397
of Indian Penal Code.

The informant is a truck driver. He proceeded to
Gaya with consignments, some articles were unloaded in Gaya.
Thereafter, he proceeded to Nalanda. On the way he took meals
and thereafter he was proceeding to his destination, in the night
by mistake he entered into sideways and when he was reversing
his truck, some miscreants came there by a Scorpio and they
forcibly made the informant captive. They took mobile-set of



the driver.

The learned counsel for the petitioner has submitted that the petitioner is not arrested at the spot. Only a mobile set and one battery were recovered from the possession of the petitioner which belongs to him and it is not stolen property. He is under custody since 09.09.2022, and on similar footing co-accused Niraj @ Niraj Kumar have been granted bail by the coordinate Bench of this Court in Cr. Misc. No. 16913 of 2023.

Considering the above-mentioned facts and circumstances, clean antecedents as well as the period of incarceration, let the petitioner, above-named, 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 Ist,Gaya in connection with Wazirganj P.S. Case No. 469 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial till framing of charge. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(ii) If the petitioner is found involved in future in



the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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