

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38500 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- BODHGAYA District- Gaya

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ABHAY KUMAR S/O NARAYAN PRASAD @ SHIV NARAYAN
PRASAD R/O Village- Koiri Bigha, PS. Paraiya, Dist.Gaya. At present
residing of Village-Phurua (Itwan), PS. Mohanpur, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody since 23.3.2023 in connection with Bodh Gaya P.S. Case No. 266 of 2023 for the offence punishable under Sections 379/420 of the I.P.C. lodged on 15.3.2023 by the informant Pawan Kumar.

The prosecution story, in brief, is that the informant Pawan Kumar on 13.3.2023 went to get photocopies of some documents. By mistake his mobile phone was left at the shop, after 10 minutes, he again went to the shop in search of his mobile phone. The shopkeeper informed him that the accused petitioner has taken his mobile phone. Subsequently, he found that the accused petitioner has withdrawn more than 40 thousand rupees from the bank account of the informant being



maintained at PNB branch Bodh Gaya and transferred it to his own bank account.

As per the learned counsel for the petitioner, he is a student of G.N.M. College, Madhya Pradesh and has been falsely implicated in this case and has already suffered by being in custody since 23.3.2023.

Learned APP opposes the prayer stating that he used the mobile to transfer the amount.

Considering the fact that he is a student, is in custody since 23.3.2023, have no criminal antecedent and will ultimately have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Gaya, in connection with Bodh Gaya P.S. Case No. 266 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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