

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48172 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- HASPURA District- Aurangabad

Nityanshu Kumar, Son of Mahendra Singh, R/O- Paharpur, P.S.- Kaler Fatehabad, Distt.- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-08-2023 Heard Mr. Arvind Prasad Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Haspura P.S. Case No. 05 of 2022 registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

3. On an information given by the Junior Engineer that a Pick-Up Van, bearing registration no. BR 56G 2707, was found loaded with some stolen electric cable belonging to K.R.Y.E.S. Company, raid was conducted and the petitioner was apprehended. After verification, he came to know that the said cable was being stolen away by the owner and driver of the said Pick-Up Van.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner, being the driver of the said Pick-Up Van, was not aware of the fact that the loaded electric cable was stolen property, rather the same was loaded on the direction of the contractor after giving fare of the transportation. He further submits that the owner of the said Pick-up Van has already been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 23496 of 2022 vide order dated 09.11.2022. That apart, the petitioner is a man of fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is the driver of the Pick-up Van, which runs for transportation of goods on the direction of the transporter or its owner, coupled with his fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate, Daudnagar,
Aurangabad in connection with Haspura P.S. Case No. 05 of
2022, subject to the condition as laid down under Section 438
(2) of the Cr.P.C. with the further condition that one of the
bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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