

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39930 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NASRIGANJ District- Rohtas

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Sheo Kumar Bhardwaj @ Sheo Kalyan Bhardwaj Son of Ram Nagina Prasad
Resident of Village - Amiyawar, P.S.- Nasriganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40757 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NASRIGANJ District- Rohtas

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Arvind Kumar @ Chhotu S/o Birendra Singh Resident of Village- Dhus
Nasriganj, P.S. Nasriganj, District - Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 39930 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate.

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

(In CRIMINAL MISCELLANEOUS No. 40757 of 2022)

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 Both the criminal miscellaneous petitions have arisen

out of the same police station case number, hence they are being

heard together and disposed of by a common order.

The learned counsels for the petitioners are directed

to remove all the defects pointed out by the Stamp Reporter

within one month.



Heard learned counsels for the petitioners and the learned APPs for the State.

Petitioners seek regular bail in connection with Nasriganj P.S. Case No. 45 of 2022 registered for the offences punishable under Section 379 of the Indian Penal Code and subsequently added Sections 409, 406, 411 and 120(B) of the Indian Penal Code.

Allegedly, an old bridge which was in a dilapidated condition was cut by the accused persons by using a cutting machine and thereafter the scraps of the bridge were removed dishonestly by the accused persons and the same were misappropriated by them.

The main submissions advanced by learned counsel Mr. Ajay Kumar Tiwari appearing for the petitioner Sheo Kumar Bhardwaj @ Sheo Kalyan Bhardwaj are that the petitioner is not named in the FIR, his name surfaced in this case only on the basis of statement of co-accused Chandan Kumar and after his arrest any scrap of the bridge was not recovered from his possession and several co-accused persons have been granted bail by this Court.

The main submissions advanced by learned counsel Mr. Dhaneshwar Prasad Gupta appearing for the petitioner



Arvind Kumar @ Chhotu are that the petitioner is not named in the FIR and during the course of investigation the police made him accused mainly on the basis of information given by a spy which has no evidentiary value and after his arrest the police claimed to have got confessional statement of this petitioner which has also no value in the eye of law and except this there is no any other material against him and he has a clean antecedent.

Learned APPs Mr. Prem Kumar Jha and Mr. Lakshmi Kant Sharma appearing for the State in Cr. Misc. No. 39930 of 2022 and Cr. Misc. No. 40757 of 2022 respectively have opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case. The case diary goes to show that several persons including the officials of the Irrigation Department were involved in the alleged cutting and removing of the old bridge and the scraps of the bridge were recovered from the scrap purchaser. The petitioner Arvind Kumar @ Chhotu has no criminal antecedent as per the statement made in his petition and the petitioner Sheo Kumar Bhardwaj @ Sheo Kalyan Bhardwaj has criminal antecedent of one case lodged under offences of Excise Act and the FIR was registered against unknown persons and several accused persons have been considered for bail by



different Benches and this Bench of this Court vide orders passed in Cr. Misc. Nos. 41304 of 2022, 37656 of 2022, 37901 of 2022 and 38494 of 2022. Considering these facts and mainly taking into account the custody period of the petitioners and also the fact that as per the case diary several persons including the officials of the Irrigation Department were involved in the alleged crime and also the fact that several co-accused persons are on bail, in the opinion of this Court both the petitioners deserve to a lenient approach of this court, let the petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate Bikramganj, Rohtas in connection with Nasriganj P.S. Case No. 45 of 2022.

(Shailendra Singh, J.)

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