

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25545 of 2024

Arising Out of PS. Case No.-213 Year-2023 Thana- KASIMBAZAR District- Munger

1. HIMANSHU KUMAR @ NIRAJ KUMAR S/O PRAKASH YADAV R/O VILLAGE- SAFIYABAD, MORCHA, P.S- NAYA RAM NAGAR, DISTT.-MUNGER.
2. ANSHU KUMAR @ MIKKU @ PICHKU S/O PRAKASH YADAV R/O VILLAGE- SAFIYABAD, MORCHA, P.S- NAYA RAM NAGAR, DISTT.-MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan
For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 04-09-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek regular bail in connection with Kasim Bazar P.S. Case No. 213 of 2023 corresponding to S.Tr. No. 05 of 2024 initially registered for the offence punishable under Section-392 of the Indian Penal Code but later on, Section-412 of the Indian Penal Code and Sections-25(i)(ii)/35 of the Arms Act was also added.

3. Allegedly, while the informant who is driver of the truck bearing registration No. JH 02N 2615, after loading rice of FCI-CMR from rice mill, Belhar (Banka) was proceeding to



Safiasarai CMR Godown of Bazar Samiti, in the way, 3-4 unknown persons came at the truck and after having tied his hands, took away the truck with loaded rice.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely been implicated in this case. The stolen truck was seized from a lonelysome place in an abandoned state. The truck was recovered prior to the confessional statement of the petitioners, so, the recovery cannot be said to be made on the basis of confessional statement. He submits that the confessional statement has no value in the eye of law. The petitioners are in custody since 17-07-2023 i.e. more than one year and they are the persons of clean antecedent.

5. On the otherhand, learned counsel appearing for the State has opposed the prayer for bail by submitting that the petitioners have confessed their guilt and the truck was recovered.

6. Considering the aforesaid facts and circumstances coupled with the fact that the petitioners are the persons of clean antecedent and they are in custody for more than a year, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of



the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Munger in connection with Sessions Trial No. 05 of 2024 arising out of Kasim Bazar P.S. Case No. 213 of 2023.

7. Before accepting the bail bond, the criminal antecedent of the petitioners shall be verified and if it is found that they are involved in any other case, his bail bond shall not be accepted.

(Nawneet Kumar Pandey, J)

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