

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36046 of 2024

Arising Out of PS. Case No.-446 Year-2023 Thana- RAJGIR District- Nalanda

1. Anil Kumar @ Anil Rajbanshi @ Anil Ram Son of Kailash Rajbanshi Resident of Village- Kharsan , P.S- Thali, Dist- Nawada
2. Sunil Kumar @ Sunil Rajbanshi Son of Kailash Rajbanshi Resident of Village- Kharsan , P.S- Thali, Dist- Nawada
3. Manish Kumar @ Rajbanshi @ Manish Rajbanshi Son of Anil Kumar @ Anil Rajvanshi Resident of Village- Kharsan , P.S- Thali, Dist- Nawada
4. Bipin Kumar @ Bipin Rajbanshi Son of Arjun Ram Resident of Village- Gangta, P.S- Thali, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Rajgir P.S. Case No. 446 of 2023 registered for the alleged offences under Sections 406, 379 of the Indian Penal Code.

3. As per prosecution case, the petitioner No. 1 took the four wheeler of the informant for running it on hire with assurance that the petitioner no. 1 would pay Rs. 20,000/- (rupees twenty thousand) per month to the



informant apart from paying monthly installment. Other petitioners were also present when the vehicle was taken away by the Petitioner No. 1. However, the petitioner no. 1 failed to make payment of a single penny and also refused to return the vehicle.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. The real fact of the case is that the informant had sold his vehicle to petitioner No. 1 and an agreement has been executed between the parties on stamp paper before notary public. As per the agreement, petitioner No. 1 has made payment of full of the amount to the informant. Learned counsel for the petitioners further submits that petitioner no. 1 is the father- in-law of younger brother of the informant and as some discord erupted between the younger brother of the informant and daughter of the petitioner, this false case has been lodged otherwise the petitioner No. 1 has made all the payments. Petitioner nos. 2 and 3 are close relatives of petitioner no. 1 and petitioner no. 4 is the witness of the agreement. So, they have been falsely implicated in this case. Learned counsel



further submits that moreover the prosecution story does not appears to be believable. Learned counsel also submits that petitioner nos. 1, 2 and 4 have got no criminal antecedent whereas petitioner no. 3 got one criminal antecedent under Excise Act.

5. Learned A.P.P. for the State opposes the submission made on behalf of the petitioners. Learned APP submits that rejection order shows there has been no submission with regard to agreement entered into between the parties about the purchase of the said vehicle.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Nalanda (Biharsharif) in connection with Rajgir P.S. Case No. 446 of 2023, subject to the condition laid down under Section



438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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