

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39390 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- NEMDARGANJ District- Nawada

Chotu Kumar @ Chotu @ Rahul @ Rahul Kumar, aged about 26 years,
Gender-Male, Son of Dharmendra Kumar @ Virendra Kumar, R/O
Pachgawan, P.S.- Nemdarganj, Dist.- Nawada.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Indradeo Prasad, Advocate
For the Opposite Party : Mr. Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Nemdarganj P.S. Case No. 12 of 2024 dated 10.01.2024
registered for the offences punishable under Sections 406, 420,
120B and 379/34 of the I.P.C.

3. As per prosecution case, the informant has agreed to
hand over his Truck bearing Registration No. JH12G1637 to the
petitioner on instruction of the driver Basant Yadav, Kodrama,
Jharkhand, on the hire for Rs. 80,000/- per month. Later on, the
informant gave his vehicle to the office of Amar Jyoti as per
instruction of the petitioner and an agreement was made
between them for Rs. 80,000/- per month. When the informant



came on 03.01.2024 to the office of Amar Jyoti, he found his vehicle missing. On query, the petitioner has said that his vehicle went to Sharghati for loading but the informant did not believe and later on, he came to know that the co-accused Amar Jyoti, Rahul Kumar @ Chhotu (petitioner), Purushottam Kumar and Gautam Kumar sold his vehicle after committing theft. The informant searched his vehicle several times but he did not find. Thereafter, it has come to the knowledge of the informant that the case has been lodged against them in Nemdarganj police station. The informant has also lodged the present case against them for committing theft of his vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the cousin of the petitioner Amar Jyoti has sent a complaint through post before the Superintendent of Police, Nawada on 16.03.2023 for alleging corruption against the officer-in-charge of Nemdarganj police station for which the officer-in-charge of the said police station has lodged 10 cases i.e., Nemdarganj P.S. Case No. 02/2024, Nemdarganj P.S. Case No. 03/2024, Nemdarganj P.S. Case No. 04/2024, Nemdarganj P.S. Case No. 08/2024, Nemdarganj P.S. Case No. 13/2024, Nemdarganj P.S. Case No. 14/2024,



Nemdarganj P.S. Case No. 15/2024, Nemdarganj P.S. Case No. 16/2024, Nemdarganj P.S. Case No. 17/2024 including the present Nemdarganj P.S. Case No. 12/2024 against the petitioner. The petitioner has thirteen criminal antecedents, out of which, nine cases have been lodged against the petitioner in the year 2024, as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 06.01.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nemdarganj P.S. Case No. 12 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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