

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39425 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- NEMDARGANJ District- Nawada

Chhotu Kumar @ Chhotu @ Rahul @ Rahul Kumar Son of Dharmendra
Kumar @ Virendra Kumar Resident of Village- Panchgawan, P.S. -
Nemdarganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indradeo Prasad

For the Opposite Party/s : Mr.Jai Narain Thakur

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

ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nemdarganj P.S. Case No. 04 of 2024 dated 06.01.2024 registered for the offences punishable u/ss 406, 420 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant owned fourteen wheeled truck bearing Reg. No. JH12H-3787 and on 30.12.2023, he handed over it to Rahul Kumar @ Chhotu (petitioner) through Rajkumar Yadav for loading paddy. However, due to strike, Rahul Kumar @ Chhotu (petitioner) instructed him to park his truck at the HP Petrol Pump in the



village Badahori saying that loading was currently stopped due to strike. On 03.01.2024, when the informant's truck driver Ruplal Saw arrived at the petrol pump to take the truck, he found that the said truck was not there. When the informant contacted Rahul Kumar @ Chhotu (petitioner) and he conveyed that his truck is in Sherghati then he went there but he did not find his truck. On being asked about the truck, Rahul Kumar @ Chhotu (petitioner) switched off his mobile.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 03.01.2024 but the F.I.R. was lodged on 06.01.2024 after a delay of two days and there is no explanation for this delay. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. Similar situated co-accused person has already been granted bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 53135 of 2024. The petitioner has thirteen criminal antecedents as stated in para 3 of the bail petition. As per the impugned order dated 06.01.2024, the petitioner is in custody since 06.01.2024.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above named, 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 learned Court concerned, Nawada in connection with Nemdarganj P.S. Case No. 04 of 2024 with the 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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