

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39226 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- NEMDARGANJ District- Nawada

Chhotu Kumar @ Chhotu @ Rahul @ Rahul Kumar Son of Birendra Kumar
@ Dharmendra Kumar @ Virendra Kumar R/O Village- Panchgawa, P.S.-
Nemdraganj, Distt.- Nawada

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indradeo Prasad, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the informant	:	Mr. Radhe Shyam, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 18-11-2024 Heard Mr. Indradev Prasad, learned counsel for the
petitioner and Mr. Radhe Shyam representing the informant.

2. The petitioner is in custody in connection with P.S.
Case No. 17 of 2024 for the offence punishable under sections
406, 420 and 34 of the Indian Penal Code lodged on 13.01.2024 by
the informant, Laxman Saav.

3. As per the prosecution story, the informant alleged
that the petitioner offered to ply his truck for Rs. 1,40,000/- per
month and in that background, he handed over the said vehicle to
him. Later, when they checked the GPS location, it was found that
the same was not working. When they reached the place where the
truck was parked, it was missing, upon confronting this petitioner,
he informed that he has no knowledge about the missing truck.
This led to the FIR.

4. Learned counsel for the petitioner submits that the
informant himself removed the truck and implicated him for which



he is paying by being in custody for long. He submits that the police also connived with the informant which has resulted into number of cases of the same nature with the Nemdarganj police station registered against him for which he has already filed a complaint/petition (Cr. WJC), which is/are pending.

5. Learned counsel for the informant, on the other hand, has taken this Court to paragraph 18 of the case diary to submit that the accused persons were apprehended where the accused persons have accepted that they first take the vehicle in their possession and thereafter, changing its structure, use to sell the same and divide the money amongst them.

6. Considering the submissions that has come on record coupled with the fact that the petitioner is having the criminal antecedent of the same nature, has the modus operandi of taking the vehicle of the innocent and selling it after getting it disappeared, for the present, this Court is not inclined to extend him the privilege of bail, which is accordingly rejected.

7. Since the petitioner is in custody, it is expected that the Trial Court shall expedite the matter.

(Rajiv Roy, J)

Vijay Singh/-

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