

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69013 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- NEMDARGANJ District- Nawada

Amar Jyoti, aged about 36 years (Male), S/o- Sharwan Kumar @ Sharwan Raut, R/O Vill- Panchgawan, PS-Nemdarganj, Dist- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Priya Ranjan, Advocate

For the Opposite Party : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 21-09-2024 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. 16 of 2024 dated 13.01.2024 registered for the offences punishable under Sections 406 and 420/34 of the I.P.C.

3. As per the prosecution case, the informant Vinod Yadav is the owner of fourteen wheeler Truck. The informant, on an earlier occasion, had a talk with the co-accused Rahul Kumar @ Chhotu that his Truck would be taken on rent for Rs. 1,40,000/- per month and in continuation of that talk, the informant received the said amount from the co-accused Rahul Kumar and parked his Truck at *Panchgawan More*, near the



house of the co-accused Rahul Kumar @ Chhotu and entrusted the Truck to him. Further, the co-accused Rahul Kumar @ Chhotu said that the work is not available at present and on his direction, the informant's driver left the Truck and went to his house. On 03.01.2024, when the informant checked the G.P.S. location of this Truck, it was found that G.P.S. was not working and when the informant reached the house of the co-accused Rahul Kumar @ Chhotu he saw that the Truck was not parked there. On being asked, the co-accused Rahul Kumar @ Chhotu said that he is not aware about the missing of the Truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case during the course of investigation on the basis of disclosure made by the co-accused Rahul Kumar as he is the cousin brother of Rahul Kumar. Nothing has been recovered from the possession of the petitioner. It is further submitted that the petitioner gave an application before the S.P., Nawada alleging the malafide intention of the officer-in-charge of Nemdarganj Police Station and thereafter the officer-in-charge issued notice to the petitioner in a very casual manner to the petitioner. It is



submitted that the other co-accused person, namely, Amlesh Kumar Yadav, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 58394 of 2024 under order dated 28.08.2024. The petitioner has twenty one criminal antecedents and in six cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 04.05.2024.

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 J.M. Ist Class, Nawada or concerned court, Nawada in connection with Nemdarganj P.S. Case No. 16 of 2024 with further conditions:-

(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.

II. One of the bailors shall be a close relative



of the petitioner who shall give genealogy as to how he is related to the petitioner.

III. If the petitioner is found involved in any other criminal case in future, his bail bond is liable to be cancelled.

IV. The petitioner is directed to mark his attendance before the Officer-in-Charge of the concerned police station at 10.00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasions, the present privilege of bail will stand cancelled by the concerned court below.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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