

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73104 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- NEMDARGANJ District- Nawada

1. Binod Rai, aged about 52 years (Male), S/o Late Ramchandra Rai, Resident of Village- Biddupur, PS- Biddupur, Dist- Vaishali.
2. Anish Kumar, aged about 27 years (Male), S/o Binod Rai, Resident of Village- Biddupur, PS- Biddupur, Dist- Vaishali.
3. Sanny Kumar, aged about 21 years (Male), S/o Binod Rai, Resident of Village- Biddupur, PS- Biddupur, Dist- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anish Kumar, Advocate

For the Opposite Party : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Nemdarganj P.S. Case No. 15 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 the prosecution case, the co-accused Munshi Rana gave the informant an offer that he can earn Rs. 1,30,000/- per month if he is willing to give his truck on rent to the co-accused Amar Jyoti. On 24.12.2023, the informant and the co-accused Munshi Rana reached Nawada, there the co-accused



Rahul Kumar @ Chhotu met him and he took them to the office where the co-accused Amar Jyoti, Purushottam Kumar and Gautam Kumar were present and the co-accused Amar Jyoti told him that as the court is closed so agreement cannot be done and asked him to leave his truck. Further, on 26.12.2023, as per the instruction of the co-accused persons, the informant parked his vehicle near the petrol pump in Nawada, thereafter, on 31.12.2023, the informant sent his driver, Suraj Kumar Yadav, for knowing the status of the agreement but the co-accused Rahul Kumar told him that the agreement could not be done and it would be done after the new year, and took the keys of the vehicle. On 03.01.2024, when the informant's driver reached Nawada again, there, he found his truck missing. When the informant tracked his truck through GPS., he found that it was in the office of the co-accused, Amar Jyoti after which the informant's driver contacted the co-accused, Rahul Kumar but proper explanation was not given by him. Further, the informant's driver has alleged that the co-accused persons have committed fraud with them and have stolen the said truck.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners are not



named in the F.I.R. The name of the petitioners has come in the present case on the basis of the confessional statement of the co-accused Rahul Kumar. The petitioners are mechanics and some persons have handed over the truck in the garage of the petitioners. The petitioners have no concern with the alleged offence. They were not arrested on the spot. No incriminating article has been recovered from their possession. There is no compliance of Section 100 of the Cr.P.C. The other co-accused person, Md. Taiyab, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 61125 of 2024 under order dated 19.09.2024. The petitioners have eight criminal antecedents as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case since 08.08.2024.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada, in connection with Nemdarganj P.S. Case No. 15 of 2024 with further conditions:-

I. The petitioners are 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 petitioners is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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