

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79301 of 2024

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

Amar Jyoti @ Jyoti, aged about 36 years (Male), S/O Sharwan Kumar @ Sharwan Raut @ Devnath Roy, R/O Village- Panchgawan, P.S- Nemdarganj, Dist.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Priya Ranjan, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Nemdarganj P.S. Case No. 04 of 2024 dated 06.01.2024 registered for the offences punishable under Sections 406, 420 read with Section 34 of the I.P.C.

3. As per the prosecution case, the informant owned fourteen wheeled truck bearing Registration No. JH12H-3787 and on 30.12.2023, he handed over it to the co-accused Rahul Kumar @ Chhotu through Raj Kumar Yadav for loading paddy. However, due to strike, the co-accused Rahul Kumar @ Chhotu 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 Rup Lal Saw arrived at the Petrol Pump to take the truck, he found that the said truck was not there. When the informant contacted the co-accused Rahul Kumar @ Chhotu 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, the co-accused Rahul Kumar @ Chhotu 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. It is submitted that the petitioner is not named in the F.I.R. His name has surfaced in the present case during the course of investigation on the basis of the confessional statement of the co-accused Ranjeet Kumar. It is further submitted that the petitioner has no concern with the alleged offence and only because of the reason that he happens to be the cousin brother of the co-accused Rahul Kumar @ Chhotu, he has falsely been implicated in the present case. It is further submitted that the F.I.R. was lodged on 06.01.2024 but the copy of the F.I.R. was sent to the learned Incharge court on 15.01.2024 after a delay of nine days which is totally in violation of the provision contained in the Cr.P.C. It is further submitted that the other co-accused person Ranjit Kumar has



already been granted bail by a Bench of this Court vide Cr. Misc. No. 53135 of 2024 under order dated 14.08.2024, annexed as Annexure-2 to the present bail application. The petitioner has twenty three (23) criminal antecedents and in eight (8) cases, he is on bail as stated in paragraph no. 3 of the bail application. He is in custody since 19.02.2024.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Nawada or learned concerned court, Nawada in connection with Nemdarganj P.S. Case No. 04 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. If the petitioner is found involved in



similar nature of offence in future, his bail
bond is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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