

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80866 of 2024

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

Amar Jyoti S/O Shri Sharwan Kumar @ Sharwan Raut R/O Village-
panchgaon, P.S- Nemdarganj, Distt.- Nawada- 805121.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanupriya Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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

ORAL ORDER

2 04-12-2024 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. 15 of 2024 dated 10.01.2024 registered for the offences punishable u/ss 406, 420, 120B and 379 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged that the co-accused Munshi Rana gave him an offer that he can earn Rs. 1,30,000/- per month if he is willing to give his truck on rent to the petitioner. On. 24.12.2023, the informant and the co-accused Munshi Ram reached Nawada, there the co-accused, Rahul Kumar @ Chotu met him and he took them to the office



where the petitioner and the co-accused Purushottam Kumar and Gautam Kumar were present and the petitioner 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 petitioner and 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 will be done after 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 petitioner 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 petitioner and the co-accused persons have committed fraud with them and have stolen the said truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has neither taken delivery of the vehicle from the informant nor he has



stolen the vehicle in question. The occurrence took place on 03.01.2024 but the F.I.R. was lodged on 10.01.2024 after a delay of six 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. The petitioner has 21 criminal antecedents out of which 9 cases has been lodged in the same month and year as stated in para 3 of the bail petition. The petitioner is in custody since 04.06.2024. The co-accused person, Rahul Kumar has already been granted regular bail by this court vide order dated 12.09.2024 passed in Cr. Misc. No. 59760 of 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. 15 of 2024 with the following 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 bond of the petitioner is liable to be cancelled

(ii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

shivam/-

U		T	
---	--	---	--

