

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86561 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- NEMDARGANJ District- Nawada

Md. Taiyab Son of Nijamuddin Resident of Village- Manipur, PS and Distt.-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha

For the Opposite Party/s : Mr.Satyendra Prasad

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

ORAL ORDER

7 11-12-2024 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. 12 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 informant has agreed
to hand over his Truck bearing Registration No. JH12G1637 to
the co-accused Chotu Kumar @ Chotu @ Rahul @ Rahul
Kumar on instruction of the driver Basant Yadav, Koderma,
Jharkhand, on the hire for Rs. 80,000/- per month. Later on, the
informant gave his vehicle to the office of Amar Jyoti as per
instruction of the co-accused Chotu Kumar @ Chotu @ Rahul



@ Rahul Kumar and an agreement was made between them for Rs. 80,000/- per month. When the informant came on 03.01.2024 to the office of Amar Jyoti, he found his vehicle missing. On query, the co-accused Chotu Kumar @ Chotu @ Rahul @ Rahul Kumar has said that his vehicle went to Sherghati for loading but the informant did not believe and later on, he came to know that the co-accused Amar Jyoti, Chotu Kumar @ Chotu @ Rahul @ Rahul Kumar, Purushottam Kumar and Gautam Kumar sold his vehicle after committing theft. The informant searched his vehicle several times but he did not find. Thereafter, it has come to the knowledge of the informant that the case has been lodged against them in Nemdarganj Police Station. The informant has also lodged the present case against them for committing theft of his vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused person. It is further submitted that from perusal of the F.I.R. itself, it appears that no role or any sort of wrong doing has been levelled against the petitioner by the informant. It is further submitted that the



occurrence took place on 03.01.2024 and the F.I.R. has been lodged on 10.01.2024 after a lapse of seven days and the delay in lodging the F.I.R. has not been explained by the prosecution. The stolen truck has not been recovered from the conscious possession of the petitioner. The petitioner has ten criminal antecedents as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 27.08.2024. The other co-accused has already been granted bail by this Court vide order dated 08.08.2024 passed in Cr. Misc. No. 54356 of 2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition 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/- (Rupees Twenty Thousand) 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. 12 of 2024 with further condition:-

(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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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