**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.85411 of 2024**

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

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1. Purushottam Kumar @ Raju Kumar S/O Rajendra Prasad R/o Village- Pachgawan, P.S.- Nemdarganj, Dist.- Nawada
2. Gautam Kumar S/O Rajendra Prasad R/o Village- Pachgawan, P.S.- Nemdarganj, Dist.- Nawada

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr.Birendra Kumar, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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

ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

**2.** The petitioners have preferred this application for grant of regular 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 prosecution case, the informant has agreed to hand over his Truck bearing Registration No. JH12G1637 to the co-accused, Chotu 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 the instruction of the co-accused, Chotu Kumar and an agreement was made between them for Rs. 80,000/- per

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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 has said that his vehicle went to Sharghati for loading but the informant did not believe and later on, he came to know that the co-accused Amar Jyoti, Rahul Kumar @ Chhotu, Purushottam Kumar (petitioner) and Gautam Kumar (petitioner) 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 petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The petitioners have been made accused in this case only because they are the cousin brothers of the co-accused, Rahul Kumar @ Chotu. Nothing has been recovered from the conscious possession of the petitioners. It is further submitted that the petitioners have no concern with the alleged offence. Learned counsel has further submitted that the charge-sheet has been submitted against the petitioners. The co-accused person has already been granted regular bail by this court vide order dated

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04.07.2024 passed in Cr. Misc. No. 39390 of 2024. The petitioners have eleven criminal antecedents as stated in para 3 of the bail petition. The petitioners are in custody since 27.08.2024.

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

**6.** Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to 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 learned Court concerned, Nawada in connection with Nemdarganj P.S. Case No. 12 of 2024 with the condition :-

*(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 bond of the petitioners is liable to be cancelled.*

**7.** The application stands allowed.

**(Chandra Prakash Singh, J)**

Gautam/-

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