

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4951 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- LAURIA District- West Champaran

Hemant Kumar @ Hemant Jaiswal @ Hemant Kumar Jaiswal S/o Hareram Prasad R/o - Parsauni, Bhairoganj, P.S - Bhairoganj, District - west Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Senior Advocate
Mr.Uday Shankar Pandey
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-02-2025 1. Heard the parties.

2. Petitioner seeks regular bail in connection with Lauria P.S. Case No. 277 of 2024 dated 13.08.2024 registered under Section 309(4) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the first information report on 12.08.2024 the informant loaded grocery items from Uttar Pradesh in a D.C.M. truck bearing no. UP-52T-3181 and unloaded the same at Bettiah and was going to Gorakhpur through Lauriya. When the informant reached near Lauriya, at around 02:30 P.M. a person stopped the truck by waiving his hand saying that he has 42 sacks of Shuddh Plus Pan Masala which he wanted to unload at Chautarwa and Bagaha. The informant loaded the said goods on the vehicle and left for his destination and at around 3:30/4:00



P.M. when the informant reached near Chatkal Chowk, four persons came out of a white colour Bolero vehicle and entered into informant's truck and tied his hands, legs and eyes and moved forward with the informant's truck. After some time the informant was taken off the truck on the bank of a canal and was tied to a tree with a towel. The four unknown accused persons looted the truck and goods loaded therein.

4. Mr. Y.C. Verma, learned senior counsel for the petitioner submits that the petitioner is not named in the F.I.R. and he has been made accused on the basis of confessional statement of the co-accused/ Sheikh Guddu @ Md. Guddu, Kundan Sahni and others. The truck was found abandoned near Bannuchhapar and loaded articles have been recovered. The petitioner was not put on test identification parade and similarly situated accused persons have been granted regular bail by a Co-ordinate Bench of this Court as would be evident from Annexure-P/3 Series. Sheikh Guddu @ Md. Guddu and other accused persons on whose confessional statement petitioner's name came into picture in the present case have been granted regular bail by this Court in Cr. Misc. No. 88620 of 2024. The petitioner is having no criminal antecedent and he is in custody since 11.12.2024.

5. Regard being had to the submissions made by the parties,



taking into consideration the fact that petitioner is having no criminal antecedent and similarly situated co-accused persons have been granted bail by this court, I am inclined to grant regular bail to the petitioner.

6. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Ist I/c, West Champaran at Bettiah in connection with Lauria P.S. Case No. 277 of 2024 subject to the condition that the petitioner shall appear on each and every date before the trial court and in case on default on two consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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