

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15062 of 2025

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

1. Purushottam Kumar @ Raju Son of Rajendra Prasad Resident of Village- Pachgawan, PS- Nemdarganj, Distt.- Nawada
2. Gautam Kumar Son of Rajendra Prasad Resident of Village- Pachgawan, PS- Nemdarganj, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-05-2025 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have 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 co-accused, Amar Jyoti. 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 co-accused Amar Jyoti and the petitioners Purushottam Kumar and Gautam Kumar were present and the co-accused, Amar Jyoti 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 petitioners and the co-accused, Amar Jyoti, 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 co-accused, Amar Jyoti 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 petitioners and the co-accused persons have committed fraud with them and have stolen the said truck.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been



implicated in this case. It is further submitted that the petitioners have neither taken delivery of the vehicle from the informant nor they have 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 petitioners. It is further submitted that the petitioners have no concern with the alleged offence. The petitioner no.1 has 12 criminal antecedents and the petitioner no.2 has 11 criminal antecedents as stated in para 3 of the bail petition. The petitioners are in custody since 08.08.2024. The co-accused person, Amar Jyoti has already been granted regular bail by this court vide order dated 04.12.2024 passed in Cr. Misc. No. 80866 of 2024.

5. Learned A.P.P. for the State has vehemently 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. 15 of 2024 with the following conditions :-

(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 bonds of the petitioners are liable to be cancelled

(ii) If the petitioners are 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)

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