

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17850 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- Amhara P.S. (I.I.T.A. Bihta) District- Patna

1. Kumar Gaurav Son of Anuj Kumar village- Sardar Patel Marg, maurya Vihar colony, Transport Nagar, B.H. Colony Ps- Agam Kuan, dist- Patna, Bihar, Proprietor of M/s- Omkar transport and Roadways, Zero Mile near Ganga Petrol Pump, Ps- Bypass, Bari pahari, patna
2. Ankur Kumar Singh son of Madan Kumar singh village- Blooming Rose Public School, B.H. Colony Ps- Agam Kuan, dist- Patna, Bihar, Assistant to the Proprietor of M/s- Omkar transport and Roadways, Zero Mile near Ganga Petrol Pump, Ps- Bypass, Bari pahari, patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhai Kumar S/o Late C. Prasad Resident of village - Lai, P.S. - IIT Amahara, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Prasad Singh, Advocate Mr. Anand Raj, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, A.P.P.
For the Opposite Party/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Anil Kumar Sinha, Advocate Mr. Biswanath Pd. Mehta, Advocate Mr. Dhandev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-07-2025 Heard Mr. Devendra Prasad Singh, learned counsel

for the petitioners, Mr. Sharda Nand Mishra, learned counsel for

the opposite party no. 2 and Mr. Nirmal Kumar Sinha, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with IIT Amhara P.S. Case No. 08 of 2025, F.I.R.

dated 08.01.2025 for the offences punishable under Sections

316(2), 318(4), 338, 336(3) and 34o(2) of the Bharatiya Nyaya



Sanhita, 2023.

3. According to prosecution case, the informant alleged that on 26.12.2024, 500 bags of refined wheat flour worth Rs. 8,95,000/- were dispatched to Saaj Food, Dhulagarh, Kolkata. However, the consignment did not reach its destination. The mobile phones of both the driver and the vehicle owner were found switched off, leading to suspicion that they have absconded with the goods.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. The allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. In fact the petitioners are being a transporter have merely only arranged the vehicle as per need of the person including the informant and the petitioners had the truck in question from the co-accused, Nagendra Prasad and it has come during investigation that Nagendra Prasad has operated two trucks in same chasis number and same engine number and it has come during investigation that the co-accused, namely, Amod Kumar in collusion with other accused persons have committed the present crime in question and the mobile number which was mentioned in the F.I.R. used by the Amod Kumar.



5. The learned Additional Public Prosecutor for the State as well as learned counsel for the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are involved in present crime in question, apart from that the petitioners carries one case other than the present but fairly submits that petitioner no. 1 is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Danapur in connection with IIT Amhara P.S. Case No. 08 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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