

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20874 of 2025

Arising Out of PS. Case No.-3 Year-2024 Thana- AKBARPUR District- Nawada

1.

Gautam Kumar@Gautam Son of Rajendra Prasad Village -Pachgawan PS -Nemdarganj Dist -Nawada
2.

Purushottam Kumar @ Raju son of Rajendra Prasad Village -Pachgawan PS -Nemdarganj Dist -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-04-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Akbarpur P.S. Case No. 03 of 2024 instituted for the offence under Sections 420, 406, 467, 468, 379, 411 & 34 of the Indian Penal Code.

3. As per allegation, co-accused, namely, Chotu @ Rahul took the truck of the informant on contract of Rs. 1,40,000/- per month and later on, he fled away with the said



truck.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 04-09-2024. Petitioner No. 1 bears eleven criminal antecedents, whereas petitioner No.2 bears twelve criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Petitioners are not named in the FIR. Names of the petitioners have surfaced in this case during course of investigation. It is submitted that during course of investigation, no material has come forward against the petitioners. They have been implicated only because they are the cousins of co-accused, namely, Chotu @ Rahul Kumar, who has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 20-05-2024, passed in Cr. Misc. No. 24620 of 2024. No recovery is made from the possession of the petitioners. Charge sheet is submitted in this case. Other co-accused has also been granted bail by a Co-ordinate Bench of this Court vide order dated 01-08-2024, passed in Cr. Misc. No. 28560 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, claim based on parity and there being no recovery from the possession of the petitioner this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Akbarpur P.S. Case No. 03 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(IV) If the petitioner is found indulged in any



criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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