

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28342 of 2025**

Arising Out of PS. Case No.-17 Year-2024 Thana- NEMDARGANJ District- Nawada

Rahul Kumar @ Chhotu @ Chhotu Kumar Son of Dharmendra Kumar @  
Virendra Kumar Resident of Village - Panchgava, P.S.- Nemdarganj, District -  
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shiv Shankar, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      20-06-2025      Heard the parties.

2. The petitioner is in custody in connection with Nemdarganj P.S. Case No. 17 of 2024 for the offence punishable under sections 406, 420 and 34 of the Indian Penal Code lodged on 13.01.2024 by the informant, Laxman Saab.

3. As per the prosecution story, the informant alleged that the petitioner offered to ply his truck for Rs. 1,40,000/- per month and in that background, he handed over the said vehicle to him. Later, when they checked the GPS location, it was found that the same was not working. When they reached the place where the truck was parked, it was missing. Upon confronting this petitioner, he informed that he has no knowledge about the missing truck. This led to the FIR.



4. Learned counsel for the petitioner submits that he has remained in custody since 12.03.2024 and the trial has still not been commenced, if granted relief, he shall be diligently appearing in trial without fail, shall also be visiting the police station every fortnight till the conclusion of the trial.

5. Learned APP opposes the prayer for bail submitting that a perusal of paragraph 3 would show that he has multiple criminal antecedents of the same nature, though he concede that the trial is not likely to be taken up in the near future.

6. In this case, report was called for from the Trial Court regarding the stage of the trial which has now been received vide letter no. 277 dated 03.06.2025 according to which, earlier, the cognizance was taken under Section 406, 420/34 of the IPC on 26.09.2024 but later vide 27.03.2025, Section 379 of the IPC has also been added in which fresh cognizance has been taken on 22.05.2025 and now it is fixed for framing of charges.

7. Considering the submissions of the parties as also the fact that he has remained in custody since 12.03.2024, the trial has still not been initiated, the petitioner has undertaken to diligently appear in trial as also the police station till the conclusion of the trial, in that background, this Court is inclined



to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Nawada in connection with Nemdarganj P.S. Case No. 17 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

Vijay Singh/-

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