

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65862 of 2024

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

Abhishek Kumar S/o Deonath Roy R/o Village- Maricha, P.S- Tajpur, Distt-
Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 71476 of 2024

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

Krishnandan Kumar S/O Nagendra Ray Resident of Village- Chokjalal, P.S.
Tajpur, District- Samastipur,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 73689 of 2024

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

Md. Taiyab S/o- Md Nizamuddin Village- Manipur P.O-Rahimpur P.s.
Vaishali District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 88194 of 2024

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

Amar Jyoti @ Jyoti S/O Sharwan Kumar @ Sharwan Raut R/O Vill.-
Panchgawan, P.S- Nemdarganj, Dist.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar



2. The Vigilance State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 88959 of 2024

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

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- 1. Binod Rai Son of Late Ramchandra Ray Resident of village- Biddupur, PS -Biddupur, Dist- Vaishali
- 2. Anish Kumar son of Binod Rai Resident of village- Biddupur, PS -Biddupur, Dist- Vaishali
- 3. Sanny Kumar son of Binod Rai Resident of village- Biddupur, PS -Biddupur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 65862 of 2024)
For the Petitioner/s : Mr. Shivnandan Bharti, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP
(In CRIMINAL MISCELLANEOUS No. 71476 of 2024)
For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP
(In CRIMINAL MISCELLANEOUS No. 73689 of 2024)
For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 88194 of 2024)
For the Petitioner/s : Mr. Ansul, Senior Advocate
Mr. Priya Ranjan, Advocate
Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP
(In CRIMINAL MISCELLANEOUS No. 88959 of 2024)
For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 19-03-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. Petitioners are in custody in a case registered for an



offence punishable under Sections 406, 420, 379, 467, 468, 411/34 of the Indian Penal Code.

3. As per allegation in the FIR, it is a case of deceiving with the informant and stealing the truck of the informant by the petitioners along with other co-accused persons.

4. Learned counsel for the petitioner in Cr. Misc. No.65862 of 2024 submits that petitioner is innocent and he has falsely been implicated in the present case. Moreover, petitioner is not named in the FIR. Petitioner was unknown about the alleged occurrence and nothing on records shows the presence of the petitioner at the place of occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that there is inordinate delay of two days in lodging the FIR and no explanation has been given for such delay. Petitioner is in custody since 11.01.2024 having five criminal antecedents.

5. Learned counsel for the petitioner in Cr. Misc. No.88194 of 2024 submits that petitioner is innocent and he has falsely been implicated in the present case. Petitioner's name has been figured on the basis of confessional statement of the co-accused. The only reason to implicate the name of this



petitioner in this case is that co-accused, namely, Rahul @ Chotu is the cousin brother of the petitioner. Petitioner is in custody since 13.05.2024 having twenty-two criminal antecedents.

6. Learned counsel for the petitioner in Cr. Misc. No.88959 of 2024 submits that petitioners are innocent and they have falsely been implicated in the present case. Name of the petitioners have been figured on the basis of confessional statement of the co-accused as well as on the basis of suspicion. Petitioner are in custody since 12.09.2024 having eight criminal antecedents.

7. Learned counsel for the petitioner in Cr. Misc. No.73689 of 2024 submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that there is no recovery. Petitioner is not named in the FIR. Petitioner's name has been figured on the basis of confessional statement of the co-accused. Petitioner is in custody since 13.05.2024 having ten criminal antecedents.

8. Learned counsel for the petitioner in Cr. Misc. No.71476 of 2024 submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that there is no recovery. Petitioner is not named in the FIR.



Petitioner's name has been figured on the basis of confessional statement of the co-accused. Petitioner is in custody since 11.01.2024 having no criminal antecedents.

9. Learned APP for the State opposes the prayer for bail of the petitioners.

10. Considering the aforesaid facts and circumstances of the case and the submissions made on behalf of the learned counsel for the petitioners and also the fact that petitioners are not named in the FIR save and except one petitioner, namely, Amar Jyoti @ Jyoti and also the fact that one co-accused person, namely, Chotu Kumar, who has already been granted bail by the learned Trial Court in B.P. No.98 of 2025 and considering the fact that nothing incriminating article has been recovered from the conscious possession of any of the petitioners, let the above named petitioners be released on bail, on furnishing bail bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate 1st class, Nawada/concerned Court in connection with Akbarpur P.S. Case No.03 of 2024 with conditions :

i. That one of the bailors should be the close relative of the petitioners.



ii. That if any of the petitioners are again found to be indulged in the similar nature of offences, then it shall be presumed that petitioners have misused the privilege of bail and the Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Ramesh Chand Malviya, J)

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