

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73506 of 2025

Arising Out of PS. Case No.-251 Year-2021 Thana- MUFFASIL District- Aurangabad

1. Santosh Kumar S/O Late Rajkumar Sharma Resident of Village- Deora, P.S.- Ghosi, Dist.- Jehanabad
2. Rampravesh Yadav S/O Ramlakahan Yadav R/O Vill.- Pathak Bigha, P.S.- Mahkar, Dist.- Gaya
3. Suchit Kumar S/O Sudarshan Sharma R/O Vill.- Kairwa, P.S.- Ghosi, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Mr. Sameer Sawarn, learned counsel for the

petitioners and Mr. Ram Sevak Choudhary, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Aurangabad Mufasil P.S. Case No. 251 of 2021, F.I.R. dated 08.10.2021 for the offences punishable under Sections 420, 406 and 34 of the IPC.

3. According to prosecution case, 600 bags of cement of the informant were loaded on the truck of the petitioner no. 1 whose driver is petitioner no. 2 but the said truck never reached its destination. Hence, the informant suspects that the petitioners



have misappropriated his 600 bags of cement.

4. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 have clean antecedent and petitioner no. 3 carries one criminal antecedent other than the present one but he is on bail in the pending matter and they have falsely been implicated in the present case. He further submits that as per the allegation in the F.I.R, on 23.09.2021 600 bags of cement were loaded on truck and the owner of the said truck is peititioner no. 1 and petitioner no. 2 is the driver and petitioner no. 3 is brother-in-law of the petitioner no. 1. But the said truck did not reached its destination. He further submits that the allegation as alleged in the F.I.R is false and fabricated and in fact, the truck in question was found to be missing from 22.09.2021 itself and for that the petitioner no. 1 has filed F.I.R in Buniyadganj P.S Case No. 207 of 2021 on 22.09.2021 and the present F.I.R has been instituted on 23.09.2021 i.e., next day. He further submits that the allegation in the present F.I.R is that the petitioners have stolen the cement bags of the informant.

5. Learned counsel for the petitioners submits that if the truck in question is missing since 22.09.2021 then how it can be possible that the same truck will carry the goods of the informant on 23.09.2021? He further submits that the informant



has filed the present case only to harass the petitioners.

6. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances that the petitioners have already filed a case for missing of the truck in question on 22.09.2021 and the date of occurrence in the present case is 23.09.2021, 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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Mufasil P.S. Case No. 251 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 tampers 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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