

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90329 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- NEMDARGANJ District- Nawada

Md. Taiyab, aged about 38 years, Male, Son of Nizamuddin @ Nejamuddin,
R/O Village -Manipur, PO- Rahimpur, PS -Vaishali, Distt- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prakash Chandra Jha, Advocate
For the Opposite Party : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nemdarganj P.S. Case No. 04 of 2024 dated 06.01.2024 registered for the offences punishable under Sections 406, 420 read with Section 34 of the I.P.C.

3. As per the prosecution case, one Kishore Kumar owned fourteen wheeler truck bearing Registration No. JH12H-3787 and on 30.12.2023, he handed over it to Rahul Kumar @ Chhotu through Raj Kumar Yadav for loading paddy. However, due to a strike, Rahul Kumar @ Chhotu instructed him to park his truck at the HP Petrol Pump in the village-Badahori saying that loading was currently stopped due to strike. When his Truck



driver Rup Lal Saw arrived at the said Petrol Pump on 03.01.2024 to take the truck, he found that the truck was not there. On being asked about the truck, Rahul Kumar @ Chhotu switched-off his mobile phone.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case on the basis of the confessional statement of the co-accused. Nothing has been recovered either from his premises or from his possession during the course of investigation. It is submitted that the other co-accused person, namely, Chhotu Kumar @ Chhotu @ Rahul @ Rahul Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 39425 of 2024 under order dated 22.11.2024. The petitioner has nine (09) criminal antecedents as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 19.09.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Nawada in connection with Nemdarganj P.S. Case No. 04 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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