

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.824 of 2025

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

1. Binod Rai, aged about 52 years (Male), S/O Late Ramchandra Ray, Resident of Village - Biddupur, P.S- Biddupur, Dist- Vaishali.
2. Anish Kumar, aged about 27 years (Male), S/O Binod Rai, Resident of Village - Biddupur, P.S- Biddupur, Dist- Vaishali.
3. Sanni Kumar, aged about 21 years (Male), S/O Binod Rai, Resident of Village - Biddupur, P.S- Biddupur, Dist- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anish Kumar, Advocate

For the Opposite Party : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners seek regular 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, the informant owned fourteen wheeled truck bearing Registration No. JH12H-3787 and on 30.12.2023, he handed over it to the co-accused Rahul Kumar @ Chhotu through Raj Kumar Yadav for loading paddy. However, due to strike, the co-accused 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. On 03.01.2024, when the informant's truck driver Rup Lal Saw arrived at the Petrol Pump to take the truck, he found that the said truck was not there. When the informant contacted the co-accused Rahul Kumar @ Chhotu and he conveyed that his truck is in Sherghati then he went there but he did not find his truck. On being asked about the truck, the co-accused Rahul Kumar @ Chhotu switched off his mobile.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are not named in the F.I.R. Their names have surfaced in the present case during the course of investigation on the basis of the confessional statement of the arrested persons. It is further submitted that in fact the petitioners are the mechanic and some persons handed over the truck in the garage of the petitioners. They had no knowledge that the trucks are stolen property. The petitioners have no concern with the alleged offence. They were not arrested from the spot. No incriminating article has been recovered from their possession. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other



co-accused person Amar Jyoti @ Jyoti has already been granted bail by a Bench of this Court vide Cr. Misc. No. 79301 of 2024 under order dated 11.12.2024. The petitioners have eight (08) criminal antecedents as stated in paragraph no. 3 of the bail application. They are in custody since 19.09.2024.

5. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each 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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