

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3397 of 2025

Arising Out of PS. Case No.-1176 Year-2024 Thana- NAWADA District- Nawada

Sahil Kumar @ Pappu Kumar Son of Arjun Sah @ Arjun Sav Resident of
Village- Sakhua, P.S.- Udwanthnagar, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh, Adv.

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard Mr. Harsh Singh, learned Advocate for the

petitioner and Mr. M. K. Nirala, learned Additional Public

Prosecutor for the State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Nawada Town
P.S. Case No. 1176 of 2024, registered for the offences
punishable under Sections 316(2), 318(4) and 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. Based upon the written report, the prosecution
alleges that the informant runs a grain shop in the name of
Prachi Traders. On 29.09.2024, the informant loaded 485 bags
of wheat weighing 24 tons 250 kgs. on a truck bearing
registration No. AP16TH-1454 for Radha Shyam Spice (Pinky
Dutta) for Jaleshwar, Odisha. Despite the aforesaid fact, when



the assignment could not reach to the destination, the matter was enquired into and it has been found that the truck in question was parked at Nutan Petrol Pump. The Informant alleged that the driver in complicity with the owner of the truck has stolen the wheat.

4. Learned Advocate for the petitioner contended that from the narrations made in the FIR it is evident that the petitioner has neither been named in the FIR nor even any suspicion has been raised regarding his complicity in the crime. During the course of investigation, it has been found that the truck in question was parked at Tirupati Flour Mill and the petitioner was engaged in unloading of wheat. Learned Advocate further contended that barring the allegation of unloading of wheat, there is no material suggesting the involvement of the petitioner. It is the contention of the petitioner that he was working at Tirupati Flour Mill only as helper, having no concern with the Truck owner and its driver. However, the police has disclosed that the petitioner has confessed that he is engaged in dealing with the stolen property. This fact also falsifies for the simple reason that the petitioner has absolutely fair antecedent. Moreover, the crime in question is triable by the Magistrate and now the petitioner has been



incarcerated since 16.10.2024. Investigation is complete and the charge sheet has been submitted.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the complicity of the petitioner cannot be ruled out as he was found engage in unloading of wheat which was stolen from the possession of the real owner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the crime in question is triable by the Magistrate, coupled with the fair antecedent and also the fact that the investigation is complete, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 1176 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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