

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37785 of 2026

Arising Out of PS. Case No.-114 Year-2026 Thana- MUFFASIL District- West Champaran

Vicky Shaw @ Vicky Kumar S/O Late Keshto Shaw @ Kesto Shaw R/o Daya
Ram Naskar Lane, Howrah Ghusari, P.S- Mali Pachghara, Distt.-
Howrah, West Bengal, Pin- 711107

... .. Petitioner/s

Versus

The State of Bihar patna city

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

3 21-07-2026 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Bettiah Mufassil P.S. Case No. 114 of 2026, registered for the offences punishable under Sections 316(2), 318(4), 303(2), 61(2) and 3(5) of the BNS, 2023.

3. The prosecution case, in brief, is that the informant, a transporter carrying on business under the name *Anil Road Lines*, was entrusted with transportation of 923 bags (24 MT) of rice from *Arudeep A.C. Rice Mill, Bettiah to Alipurduar, West Bengal*. It is alleged that co-accused *Vijay Mahto* arranged truck bearing Registration No. WB-37-D-1096 after furnishing copies of the vehicle documents, *Aadhaar Card, PAN Card* and bank account details to the



informant. The rice was loaded on 27.02.2026 and after being released by the Sales Tax authorities, the truck proceeded towards its destination. It is further alleged that the informant transferred Rs. 28,400/- through Phone-Pe towards diesel expenses at the request of the driver. However, the truck never reached the destination and the entire consignment of rice was allegedly misappropriated. During investigation, the present petitioner Vicky Shaw @ Vicky Kumar has also been implicated in the alleged occurrence.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that the petitioner is a rice dealer and has not been named in the FIR. He has not played any role in the alleged occurrence. He has also submitted that the petitioner has been made an accused solely on the basis of confessional statement of the driver, namely, Pandav Kumar, who stated that the consignment was delivered to the petitioner, from where the rice consignment and the truck were recovered. He has next submitted that the petitioner had purchased the said rice after making payment of Rs. 5,41,900/- through cheque and Rs. 1,00,000/- in cash to the co-accused concerned. He has further



submitted that the petitioner is a registered dealer. He has also submitted that the petitioner has a clean antecedent and that his son, namely, Mayank Shaw, who was born on 07.01.2026, is suffering from acute kidney disease and has to undergo a kidney operation. This fact has been stated in paragraph no. 20 of the bail application. Lastly, learned counsel submits that the petitioner possesses payment and transaction documents demonstrating his *bona fide* conduct. A bare perusal of the case diary reveals no material showing his involvement in any conspiracy or inducement. The investigating agency has failed to collect any evidence connecting the petitioner with the alleged transportation of rice from *Bettiah (West Champaran)*. Hence, the allegation of dishonest intention from inception is not borne out from the record. The petitioner has been in judicial custody since 16.03.2026.

5. On the other hand, learned APP for the State has pointed out that, although the petitioner has not been named in the FIR but his name has transpired in the confessional statement and thereafter, it has come to light that he had purchased the stolen rice.

6. Taking into account the entire facts and



circumstances of the case, especially the clean antecedent of the petitioner coupled with the fact that his son has to undergo kidney operation and further considering that the petitioner has not been involved in any case till now, let the petitioner above-named, is directed to furnish bail bond and on doing so, the court below shall release the petitioner on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Bettiah, West Champaran/concerned court in connection with Bettiah Mufassil P.S. Case No. 114 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is



found involved in any other case except the present one, his bail bond shall not be accepted.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(Raj Kumar, J)

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