

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25901 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- KHAJAULI District- Madhubani

RAMKARAN KUMAR SON OF SRINARAYAN YADAV R/O VILL-
DODWAR P.S- JAYNAGAR, DIST- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh
For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Khajauli P.S.
Case No.166 of 2020 registered for the offence punishable
under Sections 413, 414 and 420 of the Indian Penal Code.

The allegation against the petitioner is that he was
apprehended with a stolen motorcycle during police patrolling.
It is alleged that he was not able to show any documents of the
bike and later disclosed that he used to sell, purchase and use
the stolen bike.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. He has been falsely implicated in this case
by the police on mere suspicion. No stolen motorcycle or any



incriminating article has been recovered from the conscious physical possession of the petitioner. It is submitted that even if it is assumed that the alleged recovered motorcycle was a stolen one then in that case section 379 IPC should have been added but the police has not inserted section 379 IPC in the FIR rather has added sections 413 and 414 of the IPC and thus no case of theft or receiving stolen property is made out against the petitioner. Section 420 of the IPC is also not made out as there is no evidence of cheating any person. The petitioner has one criminal antecedent and has been languishing in custody since 20.08.2020, as such, he may be enlarged on bail.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Madhubani, in connection with Khajauli P.S. Case No.166 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform



the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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