

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42284 of 2021**

Arising Out of PS. Case No.-111 Year-2020 Thana- KALUAHI District- Madhubani

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Ramkaran Kumar @ Ram Karan Kumar S/O Narayan Yadav Resident Of
Village-Dorwar, P.S-Jaynagar, District Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

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

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 06-01-2022 The petitioner seeks regular bail in connection with Kaluahahi P.S. Case No. 111 of 2020, corresponding to C.R. I. No. 1649 of 2020, registered for the offence punishable under Section 379 of the Indian Penal Code.

The allegation is regarding the motorcycle of the informant having been stolen from the garage of his house. It is alleged that the stolen motorcycle was recovered from the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, and he is languishing in custody since 16.10.2020. The learned counsel for the petitioner has referred to paragraph no. 8 of the present petition to submit that the motorcycle in question, which was stolen from the house of the



informant, had been recovered from the petitioner and for that purpose a separate FIR bearing Khajauli P.S. Case No. 166 of 2020 was lodged in which the petitioner has already been granted bail by a co-ordinate Bench of this Court vide order dated 9.7.2021 passed in Cr. Misc. No 25901 of 2021. It is further submitted that now, a second FIR i.e. the present one, has been registered at the behest of the informant and the same motorcycle, which was recovered earlier from the petitioner, is alleged to be the motorcycle belonging to the informant. It is further submitted that considering the period of incarceration of the petitioner herein, a sympathetic consideration be taken for the purposes of grant of bail.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, apart from the fact that the petitioner has already been granted bail in a case, which has been registered



against the petitioner for the alleged recovery of a stolen motorcycle from the petitioner and the same motorcycle is alleged to be belonging to the informant herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhubani in connection with Kaluahi P.S. Case No. 111 of 2020, corresponding to C.R. I. No. 1649 of 2020.

(Mohit Kumar Shah, J)

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