

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38932 of 2024**

Arising Out of PS. Case No.-84 Year-2024 Thana- KALYANPUR District- Samastipur

Md. Dulare S/O Md. Mustak R/O Village- Taralahi, P.S- Bahadurpur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhay Shanker Singh, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

2      28-05-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kalyanpur P.S. Case No.- 84 of 2024 lodged on 02.04.2024 under Section 414/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against five named accused persons, including the present petitioner. It is alleged against the petitioner that he was found sitting on a motorcycle which was subject to theft.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is in custody since 03.04.2024 having no criminal antecedent. From bare perusal of the FIR, it appears that two different offences has been inserted in one FIR. So far as the role of the present petitioner is concerned, there are three persons involved in the said offence who were found sitting on a motorcycle and arrested by



the police on chase. The petitioner was found sitting in the middle of the motorcycle and upon demand, the document of the motorcycle was not produced by them due to this reason, the present case has been lodged. Learned counsel for the petitioner further submits that the said motorcycle was not subject to theft rather it belongs to a co-villager, namely, Umesh Yadav, and said Umesh Yadav has not filed any criminal case for theft of his motorcycle. Even if the entire prosecution story is assumed to be true then also, the offences under which the FIR has been lodged is triable by a Magistrate.

5. Learned counsel for the State opposes the prayer for bail and submits that the motorcycle was subject to theft.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Learned C.J.M., Samastipur, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

**(Dr. Anshuman, J.)**

Ashwini/-

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