

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52812 of 2024

Arising Out of PS. Case No.-219 Year-2022 Thana- KAMTAUL District- Darbhanga

Shyam Kumar @ Shyam Kumar Sah, Son of Ram Dayal Sah, resident of
Village- Patnuka, P.S.- Nanpur, Block- Bokhra, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Mr. Kumar Praveen, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kamtaul P.S. Case No. 219 of 2022
registered for the offences punishable under Section 379 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that while the informant was going to his house on his
motorcycle, in the meantime his motorcycle broke down and, as
such, after parking the motorcycle the informant went to call the
mechanic. When he came back, he found his motorcycle was
not there. It is also alleged that the informant has kept his
mobile and ATM in the dickey of the motorcycle.

4. Learned Advocate for the petitioner contended that



the alleged occurrence took place on 11.09.2022, but the F.I.R. has been instituted on the next day i.e. on 12.09.2022. However, the police after ten months of the alleged occurrence, on the basis of location of stolen mobile, raided the house of the petitioner. When the police reached to the house of the petitioner, the police came to know that the petitioner has been in custody in connection with Nanpur P.S. Case No. 133 of 2024 from 21.03.2024, thereafter the petitioner has been remanded in the present case on 14.04.2024. Learned Advocate further contended that be that as it may the offence, in question, is triable by the Magistrate and the petitioner is in incarcerated from 14.04.2024. After completion of the investigation, charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying three criminal antecedents and, as such, he appears to be a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime, in question, is triable by a Magistrate and now the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, 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 Judicial Magistrate, 1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 219 of 2022, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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