

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38198 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- LADANIA District- Madhubani

Krishna Kumar @ Krishn Kumar, Son of Chhitan Singh Resident of Village -
Hanuman Nagar, Kabir Chowk, Ward No. 13, Police Station - Jay Nagar,
District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 27.01.2021 seeks
bail in connection with Ladaniya P.S. Case No.17 of 2021,
registered for the offence punishable under Section 414, 34 of
the IPC.

Prosecution case in brief, is that two persons, namely,
Shiv Kumar Singh and Krishna Kumar (Petitioner), in the
presence of *chowkidar* was apprehended and upon search a
cutter and master key was seized from the possession of the
petitioner, while a motorcycle bearing Registration No. BR32Z-
1447, Chassis No. MEIRG445AJ0047207, Engine No.



G3J3F0378355 from the possession of Shiv Kumar Singh. Both the accused persons could not produce the valid legal papers relating to the motorcycle and the other seized articles. The accused were found negotiating with one Raushan Kumar Yadav and Mithilesh Yadav to sell the stolen motorcycle.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case. It is submitted that petitioner makes his livelihood by making key of the locks. He further submits that on mere suspicion the petitioner was apprehended along with those master key and the cutter and has no association with the accused Shiv Kumar Singh, from whose possession stolen motorcycle was recovered. He further submits that petitioner is having clean antecedent and is in custody since 27.01.2021.

Learned counsel appearing on behalf of the State submits that this is not a fit case in which the petitioner should be released on bail.

Having heard the rival submissions of the parties and considering the fact that stolen motorcycle was not recovered from the possession of the petitioner and he is only a key maker and earns his livelihood after giving his service in this regard, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Madhubani in connection with Ladaniya P.S. Case No.17 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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