

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22004 of 2022

Arising Out of PS. Case No.-369 Year-2015 Thana- LALGANJ District- Vaishali

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Krishna Kumar @ Saral Son of Nand Kishore Mahto @ Shankar Mahto
Resident of Village - Chimnapur (Agarpur), P.S.- Lalganj, Distt.- Vaishali,
State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. A.G., APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Lalganj P.S. Case No.369 of 2015 registered for the offences
punishable under Sections 457, 380, 435 and 427 of the Indian
Penal Code.

As per the allegation, Rs.1,00,000/- cash and
ornaments worth Rs.4,00,000/- were stolen away from the house
of the informant and at the time of alleged occurrence of theft
the informant was not present at his house.



The main submissions advanced by the learned counsel Mr. Nachiketa Jha for the petitioner are that as per the prosecution the alleged stolen ornaments are said to have been recovered from the house of this petitioner but the said ornaments were not put on test identification before the informant, so there is no material evidence to show the recovered said ornaments being stolen property of the present case and as per the description of the said ornaments mentioned in the seizure list the same do not appear to be such valuable as mentioned in the FIR and moreover at the time of alleged recovery of the said ornaments and theft money the petitioner was not present at his house and his statement was recorded in the year 2019 whereas the FIR was lodged in the year 2015. Further submission is that the petitioner has been languishing in jail since 21.08.2021 and against him the investigation has been completed and he is on bail in respect of three cases which have been shown as his criminal antecedent in paragraph No.3 of his petition.

Learned APP Mr. A.G. appearing for the State has opposed the bail prayer.

In view of above submissions and considering the petitioner's custody period and mainly taking into account the



facts that after the recovery of the alleged ornaments in the house of this petitioner, the same were not put before the informant for test identification and the prosecution has failed to inspire the confidence of this Court regarding the alleged recovered ornaments being stolen property of the present case. In the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Lalganj P.S. Case No.369 of 2015.

(Shailendra Singh, J.)

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