

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13424 of 2016

Arising Out of PS.Case No. -89 Year- 2013 Thana -CHAPRA MUFFASIL District- SARAN

Tinku Sharma S/o Ram Ayodhya Sharma resident of Village - Paterhi, P.S.
- Marhowrah, District - Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ganjendra Kumar Singh, Advocate.
For the Opposite Party : Mr. Nityanand(APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Sessions
Trial No. 04 of 2014, arising out of Chapra Muffasil P.S. Case
No. 89 of 2013 registered for the offences punishable under
Sections 364 and 379 of the Indian Penal Code.

Allegedly, Pawan Kumar @ Pawan Rai, the driver
of tractor of the informant had gone for loading sand but the
tractor was found empty at the road near Newaji tola chowk and
mobile of the driver was found switched off. During
investigation, the petitioner and co-accused Neera Ram were
apprehended and they confessed their guilt that they have killed
the driver and further mobiles and paper of the tractor were

recovered.

Submission is of false implication and that save and except confessional statement made before the police, there is no other cogent material on the record to connect the petitioner with the case, there is no seizure list regarding recovery of paper of tractor, co-accused Dhananjay Mahto and Nidhi Mahto have been allowed bail vide Cri. Misc. No. 20645 of 2014, whereas Md. Firoj @ Firoj has been allowed bail vide Cri. Misc. No. 48904 of 2013 and without any legal and tangible material, the petitioner is suffering in custody since 18.06.2013.

Learned A.P.P. opposes the prayer of bail by submitting that from confessional statement of the petitioner, it reveals that he was involved in the crime and further the documents of the vehicle and two mobiles of the petitioner were recovered from his house but it is true that in the case diary, the copy seizure list is not attached.

In the facts and circumstances stated above, considering the detention of the petitioner, now the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-5th,Saran at Chapra in Sessions Trial No. 04 of 2014 arising out of Chapra

Muffasil P.S. Case No. 89 of 2013, subject to conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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