

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14051 of 2016

Arising Out of PS.Case No. -3 Year- 2015 Thana -SAMASTIPUR GRP CASE District- SAMASTIPUR

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1. Pankaj Kumar Singh @ Tinku Singh Son of Umesh Prasad, Resident of village- Akabarpur, P.S.- Kalanpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.19452 of 2016

Arising Out of PS.Case No. -3 Year- 2015 Thana -SAMASTIPUR GRP CASE District- SAMASTIPUR

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1. Dinesh Das Son of late Babu Lal Das Resident of Mohalla- Kashipur, ward no. 7, PS Samastipur, Muffassil, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.14051 of 2016)

For the Petitioner/s : Mr. Bishwanath Prasad Singh

For the Opposite Party/s : Mr. Md. Ansural Haque (App)

(In Cr.Misc. No.19452 of 2016)

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Parmanand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

03 12-05-2016 Both the criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

A.P.P. representing the State.

Petitioners seek bail in connection with R.P.F. Post Samastipur P.S. Case No. 03 of 2015 registered for the offences punishable under Sections 3 R.P. (U.P) Act.

Allegedly, cash of Rs. 6,03,444/-, voucher of Rs. 1880/-, 12 pieces of ticket and 23 pieces of cancelled tickets were stolen away by some un-known person as informed by Sohail Ansari, Commercial Superintendent, Samastipur. During investigation, on the basis of C.C.T.V. footage, the petitioner Pankaj Kumar Singh @ Tinku Singh was arrested and from his possession Rs. 7,72,495/- has been recovered and he confessing the guilt stated the name of the petitioner Dinesh Das and others also.

Submission is of false implication and that recovered amount from possession of Pankaj Kumar Singh does not tally with the stolen amount, without any legal and tangible material Pankaj Kumar Singh @ Tinku Singh has been arrested and against the petitioner Dinesh Das save and except confessional statement of Pankaj Kumar Singh, there is no other material, other co-accused, namely, Jai Prakash, Manoj Kumar, Sohail Ansari and Banti Kumar have already been allowed pre-arrest bail.

The learned A.P.P. opposes the prayer of bail of Pankaj

Kumar Singh @ Tinku Singh that on the basis of CCTV footage he has been arrested and theft amount has been recovered and further he has got criminal antecedent as he is involved in so many cases which is evident from para-3 of his application itself.

In the facts and circumstances sated above, considering the alleged recovery and criminal antecedent of the petitioner Pankaj Kumar Singh @ Tinku Singh, at present, I am not inclined to enlarge him on bail and accordingly, his such prayer stands rejected.

So far as, petitioner Dinesh Das is concerned, as his name has come in the confessional statement of petitioner Pankaj Kumar Singh @ Tinku Singh, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial magistrate, 1st Class (RLY) Samastipur in connection with R.P.F. Post Samastipur P.S. Case No. 03 of 2015 subject to the 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.

However, considering the detention of the petitioner, Pankaj Kumar Singh @ Tinku Singh, let the trial be expedited and concluded, preferably within six months after receipt or production of a copy of this order, failing which if he will be at no fault, he may renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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