

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18640 of 2016

Arising Out of PS.Case No. -359 Year- 2015 Thana -GAYA MUFFSIL District- GAYA

Tinku Kumar S/o Kishori Singh R/o village - Manpur, Kumhar Toli, P.S.
Muffasil, district - Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. T.P.Mandal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 28-06-2016 Heard the learned counsel for the petitioner and
the learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Moffasil P.S. Case No. 359 of 2015 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Sharwan Kumar @ Chhotu was killed and his
dead body was recovered near Manpur Railway Station and the
petitioner and others were living with the son of the informant.

Submission is of false implication and that the
informant is not an eye-witness, during investigation also no one
has come forward as an eye-witness of actual killing, the
confessional statement of co-accused Abhishekh Kumar has
been got recorded wherein the petitioner has been named and
besides suspicion and confessional statement of co-accused, there is

nothing against the petitioner, the petitioner has been made accused in some more cases but he is on bail in all the cases.

The learned A.P.P. submits that the petitioner is named in the First Information Report and further, the co-accused has also stated his name.

In the facts and circumstances stated above, considering that investigation against the petitioner is complete, there is no chance of tampering with the prosecution evidence and, as such, 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 the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Moffasil P.S. Case No. 359 of 2015, subject to the conditions that one of the bailors must be a 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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