

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81220 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- KATORIYA District- Banka

=====

TINKU KUMAR YADAV Son of Kailash Yadav @ Kailu Yadav Resident of
Village- Nandgolwa, Kurava, P.S.- Katoriya/Katoria, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda

For the Opposite Party/s : Mr.Ashraf Ansari

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 16.8.2019
in a case registered for the offences punishable under Section
392 of the I.P.C.

The prosecution case as per the written report of
Surendra Yadav submitted to the SHO, Katoriya Police
Station is to the effect that on 5.6.2019 at 10.00 P.M. in the
night when the informant was returning on his motorcycle,
then three motorcycle borne miscreants robbed the mobile of



the informant's friend, leading to registration of FIR against unknown. During investigation, name of the petitioner sprang up on suspicion. It is further alleged that the robbed mobile was recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has been implicated in this case only on the basis of suspicion. It is further submitted that no recovery has been made from the petitioner and till date neither the petitioner nor the alleged mobile phone has not been put on Test Identification Parade. The investigation has already been concluded. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the impugned order suggests that the robbed mobile phone was recovered from the possession of the petitioner.

Considering the suspicious nature of accusation, the fact that the petitioner is not named in the FIR and the period in custody coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named 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 learned JM Ist Class, Banka in connection with Katoria P.S. Case No.101 of 2019.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

