

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10501 of 2022**

Arising Out of PS. Case No.-264 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Tinku Kumar @ Dhopchi Rai Son of Mokhtar Rai Resident of Village-
Madarpur, P.S. Sadar, Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 264 of 2020 registered for the offence under
Section 394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 05.11.2021.

The allegation against the petitioner is to voluntarily
causing hurt while committing robbery and taken away
Rs.1,21,000/- (Rupees One Lakh Twenty One Thousand) in cash
and other valuables of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the basis



of confessional statement of co-accused, namely, Sikku Kumar, leading to no recovery which may incriminate the petitioner in the present case. It has further been submitted that no T.I.P. of the petitioner has been conducted and also chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. While concluding the argument, it has been submitted that the petitioner involved in three other criminal cases as mentioned in paragraph no.3 of the bail petition but in all three cases, he is on bail.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sikku Kumar.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced on the basis of confessional statement of co-accused, leading to no recovery coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 264 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate,



1st Class, Vaishali at Hajipur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

Ankit/-

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