

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18164 of 2022

Arising Out of PS. Case No.-291 Year-2017 Thana- MADHAURAH District- Saran

Tinku Kumar Singh Son Of Late Mainu Singh Resident Of Village- Pirauta,
P.S. Baniyapur, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udai Shankar Singh, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Madhaura P.S. Case No.291 of 2017 instituted under Section 302,
120(B), 34 of the Indian Penal Code.

As per the FIR, the informant alleged that his mother was
witness to the killing of his father and the accused persons were
pressurizing her not to stand as a witness in the said case. On the
fateful night, the informant heard the gun shot and ran towards her
mother room. He alleges that he saw the accused persons including
the petitioner herein escaping from the place of occurrence. He
thereafter went to his mother's room and saw her dead. There was
gun shot injury on her back.

Learned counsel for the petitioner submits that the



informant is not an eye witness to the alleged occurrence. He has made an omnibus allegation that the co-accused persons including the petitioner herein were running away from the place of occurrence, whereafter he went to the mother's room and found her dead. He has further submitted that there is only one gun shot injury on the the body of the deceased, as per the injury report which he has annexed as Annexure-3 to the bail application. He lastly submits that the other similar situate co-accused have since been granted bail vide Annexure-4 to the bail application.

Considering the fact that the petitioner has evaded arrest for almost three years, this Court at first was not inclined to grant him privilege of bail. The counsel for the petitioner submits that for such evading of arrest, he has suffered a lot by being in jail since 07.03.2021 (as stated in para-1 of the bail application), the others have been granted the privilege of bail and further he is ready to abide by all the terms and conditions, if granted the bail and undertakes not to misuse the said privilege.

Considering the aforesaid submissions made by the counsel for the petitioner as also that omnibus allegation has been made, the petitioner is in custody since 07.03.2021 and charge sheet stands submitted, let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(Rupees Fifteen Thousand) with two sureties of the like amount each in connection with Madhaura P.S. Case No.291 of 2017 to the satisfaction of learned C.J.M., Patna, subject



to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court, failing which the bail bond will be cancelled by the learned Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the Trial to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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