

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25134 of 2022

Arising Out of PS. Case No.-314 Year-2017 Thana- BANIAPUR District- Saran

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TINKU KUMAR SINGH @ TINKU SINGH SON OF LATE MAINU
SINGH R/O VILLAGE- PIRAUTA, P.S.- BANIYAPUR, DISTRICT-
SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2022 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 Baniyapur P.S. Case No.314 of 2017 instituted under
Sections 392 of the Indian Penal Code.

The allegation in the FIR is that the informant after
collection of money was returning when it is alleged that two
persons on a motorcycle intercepted him and on the point of
pistol decamped with Rs.48,475/- not before taking his Pan
Card, Aadhar Card, ATM Card as also the Driving license. The
informant identified one of the accused as Pappu Ram who had
come to the Bank for grant of loan and he has alleged on refusal



of the Manager to grant him any loan this incident has happened.

Subsequently, one of the accused Naresh Rai was apprehended and he in his confessional statement named this petitioner.

Learned counsel for the petitioner submits that as per the FIR, two persons intercepted and snatched the money from the informant. The informant identified one of them as Pappu Ram, the other accused apprehended was Naresh Rai, no third person has been named in the FIR but on the confession of Naresh Rai, this petitioner has been dragged only because he has criminal antecedent. He submits that for the said alleged act of his, he has suffered by being in jail since 13.07.2021 (as stated in para-14 of the bail application).

Taking into account the fact that the name of the petitioner has come in the confessional statement of the co-accused, is in custody since 13.07.2021 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two



sureties of the like amount each in connection with Baniyapur P.S. Case No.314 of 2017 to the satisfaction of learned A.C.J.M.,XI, Saran at Chapra, 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 and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his presence;

(iv) 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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