

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25310 of 2022

Arising Out of PS. Case No.-172 Year-2018 Thana- MADHAURAH District- Saran

Tinku Kumar Singh @ Tinku Singh S/O Late Mainu Singh R/o 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, Adv
For the Opposite Party/s : Mr.Madan Kuma, APPr

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Marhaurah P.S. Case No. 172 of 2018 for
the offences punishable under Sections 392 of the Indian
Penal Code.

As per the prosecution case, it is alleged that while
the informant was returning after collecting cash from
consumers. In the meantime, two miscreants came on a
motorcycle and on the point of pistol looted his bag
containing 57,950/- , mobile and other valuables.



Learned counsel for the petitioner submits that FIR has been instituted against two unknown persons and the name of the petitioner has transpired on the confessional statement of co-accused Dinesh Rai. It is further submitted that neither any incriminating material has been recovered from person and possession nor he has been put on TIP, though petitioner has been remanded in this case on 25.06.2021 from Marhaurah P.S.Case No. 115 of 2020. it is further submitted that in fact only on account of his past criminal antecedent his name has been implicated in this case, after taking signature of confessional statement of co-accused, which shows the high handedness of the police.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he has multiple criminal antecedent. In response to the aforesaid submission, counsel for the petitioner submits that out of nine case, in seven cases he is on bail.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is not named in the FIR nor any incriminating material was recovered from person and possession of the petitioner and



moreover, he is in custody since 25.06.2021 but till date he has not been put on TIP and moreover, criminal antecedent of a person cannot be only basis for rejection of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIII, Saran at Chapra in connection with Marhaurah P.S. Case No.172 of 2018 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal



antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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