

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43305 of 2021

Arising Out of PS. Case No.-492 Year-2019 Thana- BARH District- Patna

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TINKU KUMAR @ TINKU SINGH @ TAKLA Son of Late Nago Singh
Resident of Village- East Malahi, Barh, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmod Kumar

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Barh
P.S. Case No. 492 of 2019 registered for the offences punishable
under Section 394 of the Indian Penal Code.

As per prosecution case, on 14.10.2019 the
informant was going on his motorcycle along with Ranjit
Kumar Singh for collecting money of business towards Barh
Station Road and when he was returning and reached near
Bhubneshwari College Chauk three unknown persons aged
about 24-25 years arrived towards him and stopped him by
showing pistol by one person, another person assaulted him by



first and third person snatched his bag containing one lac cash and mobile in question. Other two miscreants made indiscriminate firing and fled away towards Savita Cinema. The case is lodged against unknown. The name of present petitioner has been surfaced in para 48 of the case diary in which investigating officer has received information from the spy and confessional statement of petitioner has also been mentioned in para 56 of the case diary.

Learned counsel for the petitioner submits that petitioner is in custody since 16.01.2020 and bears criminal antecedent of 14 cases. He further submits that petitioner has been falsely implicated in this case. It has been submitted that name of present petitioner has been surfaced in this case on confessional statement of co-accused Amit Kumar in para 96 of the case diary during investigation. Petitioner is not named in the FIR. Petitioner has not committed any offence. Nothing has been recovered from possession of the petitioner and he was not put on TIP. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case



as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Barh in connection with Barh P.S. Case No. 492 of 2019, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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