

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47920 of 2021**

Arising Out of PS. Case No.-115 Year-2020 Thana- MADHAURAH District- Saran

TINKU SINGH @ TINKU KUMAR SINGH Son of Late Mennu Singh
Resident of Village - Pirauta, P.S. - Baniapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 23-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Learned counsel for the petitioner is permitted to
make necessary correction in course of the day.

Petitioner, who is in custody since 07.03.2021 seeks
regular bail in connection with Marhaura P.S. Case No. 115 of
2020 registered for offences punishable under Sections 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution story in brief is that on 23.02.2020 at
about 8.00 A.M., when the informant alongwith his son Arjun
Singh was going towards his shop situated at Marhawrah and



the moment they arrived near Pakahan Railway Dhala, the accused Shivjee Singh alongwith other co-accused persons intercepted them and on direction of Shivjee Singh, other accused Sanjay Kumar Singh @ Tunna Thakur took out the pistol and fired over Arjun Singh which hit below his right eye and the victim Arjun Singh fell down and died.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case merely on suspicion. He submits that there is not even minuscule evidence against the petitioner that he was the conspirator from the CDR report to substantiate the said allegation. Petitioner is in custody since 07.03.2021 and as such he be released on bail. Vikesh Singh, Sonu Kumar Singh and Vijay Kumar Singh who are named in the F.I.R. have already been released on bail by the co-ordinate Benches of this Court, vide orders dated 21.10.2020, 03.11.2021 and 08.12.2021 passed in Cr. Misc. Nos. 27035 of 2020, 44951 of 2021 and 35308 of 2021 respectively.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Having heard the rival submissions of the parties, the allegation made in the F.I.R. and having perused the case



diary, it appears that the petitioner was not present at the place of occurrence. There is direct allegation against co-accused Sanjay Kumar Singh @ Tunna Thakur to have fired upon the deceased Arjun Singh who died on the spot. There is no eye witness. Some of the co-accused have already been granted bail by the co-ordinate Benches of this Court. The petitioner has made out a case to be released on bail.

Considering the aforesaid facts and circumstances of the case as well as the period of custody of the petitioner, the Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Marhaura P.S. Case No. 115 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(V) Superintendent of Police, Siwan, is directed to produce all the prosecution witnesses on the date fixed by the trial Court without fail.

(VI) The petitioner will make his attendance before the concerned police station under which his house is located every day at 8 AM till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police, Siwan.

(Purnendu Singh, J)

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