

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61691 of 2021

Arising Out of PS. Case No.-210 Year-2021 Thana- AMAS District- Gaya

Rinku Singh @ Shashikant Kumar, Son of Late Rajaram Singh Resident of
Village - Manjhuliya, P.S.- Amas, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 23-02-2022 The applicant is given out of turn hearing on account
of ailment of his wife which is not disputed by the State and he
is sole earning member of the family.

The applicant/accused in Crime No. 210 of 2021
registered with Amas Police Station for the offences punishable
under Sections 384, 386 and 365 r/w 34 of the Indian Penal
Code as well as Section 50 of the Bihar Prohibition and Excise
Act, 2016, by this application is seeking his release on bail
during pendency of the trial.

Heard the learned counsel appearing for the
applicant/accused. He argued that there was no Test
Identification Parade and the police has not conducted
investigation so far as transfer of amount of Rs.1.25 lacs is
concerned. The person in whose account that money is



allegedly transferred is not even an accused in this case and therefore after filing of the charge sheet, further pretrial detention of the applicant is not warranted.

The learned Additional Public Prosecutor opposed the application by contending that the first informant is not an accused in the instant crime and therefore the FIR lodged by him cannot be stated as his confessional statement so far as this crime is concerned.

I have considered the submissions so advanced and also perused the material placed before me.

First informant Shatrughan Ray was driving a six wheeler vehicle which was transporting 4,000 litres of illicit alcohol on 14.08.2021. His truck was intercepted by five persons. One of which is stated to be the present applicant. Said Shatrughan Ray was forced to take his truck in front of Manjokamna Hotel. Those five accused persons posed themselves as Police Officers. Accused Guddu Khan spoke with the owner of the vehicle and directed the owner to transfer an amount of Rs.1.25 lacs to release the truck transporting the illicit alcohol. First informant Shatrughan Ray in his report has named applicant Rinku Singh as one among those five persons who extorted the money.



First informant Shatrughan Ray was not knowing the applicant. He has named the applicant on the basis of names taken by accused persons during their conversation. The applicant was not put for the Test Identification Parade. Investigation of the subject crime is over. It is reported that the applicant is not having any criminal antecedent. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 210 of 2021 registered with Amas Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.



(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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