

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26761 of 2023

Arising Out of PS. Case No.-738 Year-2021 Thana- MADHAURAH District- Saran

TINKU KUMAR @ TINKU SHARMA SON OF RAM AYODHAYA
SHARMA R/O VILLAGE- PATERHI, P.S.- MARHOWRAH, DISTRICT-
SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-07-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 738 of 2020 registered for the offence
under Sections 392 of the Indian Penal Code and later on 395 of
the Indian Penal Code.

Some unknown miscreants are alleged to have
committed theft in the house of the informant and taken away Rs.
200000/- cash, ornaments and clothes.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the basis of confessional statement of the co-accused, Brij



Kishore Kumar. He further submits that nothing has been recovered from the house or conscious possession of the petitioner not T.I.P. has been conducted by the prosecution. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Brij Kishore Kumar on whose confession name of the petitioner surfaced in this case, has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.11.2022 passed in Cr. Misc. No. 42980 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries fourteen more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-4th, Saran at Chapra in connection with Marhowrah P.S. Case No. 738 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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