

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27162 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- MADHAURAH District- Saran

TINKU SHARMA ALIAS TINKU KUMAR ALIAS TINKU KUMAR
SHARMA S/o Ram Ayodhaya Sharma Resident of village-Patehri, P.S.-
Marhowrah, Distt-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. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 28.02.2022 seeks bail, in connection with Madhowrah P.S. Case No. 128/2022, dated 28.02.2022, for the offences punishable under Sections 399, 402, 414 IPC & Sections 25(1-b) a, 26/35 of the Arms Act.

3. According to prosecution case, one loaded country made pistol, three live cartridges, one country made Desi Katta and mobiles have been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list, it appears that one loaded country made pistol, three live cartridges, one Desi katta, ornaments and mobile phones have been recovered



from the possession of the petitioner and there is non-compliance of Section 100 Cr.P.C. He further submits that co-accused, namely, Meraj Ansari has been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2022 passed in Cr. Misc. No. 48341/2022, another co-accused namely Ajit Kumar Raut @ Ajit Kumar @ Amit @ Ajit has been granted bail vide order dated 09.12.2022 passed in Cr. Misc. No.48913/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.02.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried 14 criminal antecedent other than the present one but fairly submits that other co-accused persons have been granted bail by different co-ordinate Bench of this Court.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Sessions Judge-XI, Saran at Chapra in connection with Madhowrah P.S. Case No.128/2022, S.Tr. No.265/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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