

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29762 of 2023

Arising Out of PS. Case No.-40 Year-2020 Thana- KHAIRA District- Saran

=====

Tinku Sharma @ Tinku Kumar Son Of Ram Ayodhaya Sharma Resident Of
Village- Paterhi Ps- Marhowrah Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Khaira
(Nagra) P.S. Case No.40 of 2020 registered for the offence
under Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 28.02.2022.

The allegation against the petitioner is to commit
dacoity and while committing so taken away cash of Rs.
1,11,000/- and three mobile phone belongs to the informant.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely Pankaj Kumar, and in furtherance of which, no incriminating material recovered/surfaced with the present occurrence of dacoity. It is also submitted that petitioner was not put on T.I.P., as yet. It is submitted that petitioner found involved in 14 more criminal cases, where he is on bail in 4 cases and his name surfaced in the present case without having any connecting evidence, only out of suspicion arising out of his criminal antecedents, where his name surfaced on the basis of confessional statement as of the present case. It is submitted that co-accused Pankaj Kumar named this petitioner during the course of investigation through confessional statement has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 36218 of 2020 vide order dated 16.08.2021. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.



In view of the facts and circumstances as mentioned above and by taking note as save and except confessional statement nothing incriminating surfaced during the course of investigation to connect this petitioner with the present occurrence coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.02.2022, accordingly, petitioner above named is directed to be released on bail in connection with Khaira (Nagra) P.S. Case No.40 of 2020 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 District Judge, VIII, Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(ii) That one of the bailors
shall be deponent of the present bail
petition.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

