

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35223 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- INDUSTRIAL AREA District- Vaishali

TINKU KUMAR S/O SISHUPAL UPADHYAY R/O Village and P.O-
Hilalpur Madarpur, P.S- Industrial Area, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-08-2023

Heard the parties.

The petitioner is an accused in connection with Industrial Area P.S. Case No. 22 of 2023 registered for the offences under sections 420, 465, 467, 468, 471 and 120(B) of the Indian Penal Code lodged on 22.02.2023 by the informant, Harikant Mishra.

As per the prosecution story, the allegation is that the informant alleged that he and his family members live outside for their livelihood and taking benefit of that the accused persons conspired and sold his land impersonating his son whereas (he is issueless) on 04.02.2023, in which Pawan Kumar and Tinku Kumar (the petitioner) became identifier to the sale deed and Prashant Kumar was witness to the said transaction. Another sale deed was executed on 06.02.2023, again impersonating as his son in favour of Barun Kumar. Accordingly, the FIR.



Learned Counsel for the petitioner submits that he is neither the seller and nor the purchaser, he was asked to become an identifier for which he has already suffered by being in custody since 23.02.2023 (as stated in paragraph 16 of the bail application). The name that has come in the FIR, Prashant Kumar has since been granted bail by a co-ordinate bench in Cr. Misc. No. 32795 of 2023 on 24.06.2023.

Learned APP opposes the prayer stating that he became identifier to a person who claimed himself to be the son of the informant whereas he is actually issueless.

Considering the submissions put forward by the learned Counsel for the petitioner and the State as also that one Prashant Kumar has since been granted bail by a co-ordinate bench, as stated above, he is 21 years old boy, is in custody since 23.02.2023 and charge sheet already stands submitted, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Hajipur (Vaishali) in connection with Industrial Area P.S. Case No. 22 of 2023, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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