

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63020 of 2023

Arising Out of PS. Case No.-144 Year-2021 Thana- IMADPUR District- Bhojpur

Tinku Yadav @ Tinku Kumar, Son of Ambika Yadav, Resident of Village
-Rajpur, P.S.- Imadpur, Dist- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Chhote Lal Mishra, Adv. Mr. Jyoti Prasad, Adv.
For the Opposite Party/s :		Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 08-12-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Imadpur P.S. Case No. 144 of 2021 dated 27.11.2021 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1b)a, 26 and 35 of the Arms Act.
3. This is second attempt of the petitioner for the relief of regular bail after his earlier bail prayer was rejected by this Bench vide order dated 13.02.2023 passed in Cr. Misc. No. 59018/2022 preferred by this petitioner.
4. The fresh grounds taken by the petitioner for the



relief of regular bail in his second attempt are that in the earlier rejection order, this Court had granted liberty to the petitioner to renew his bail prayer after six months from the date of rejection order if any progress in respect of his trial is not made in the said period and in the light of the said liberty, he has come again before this Court for the relief of regular bail as in the present matter, no significant progress has been made in his trial. Further submissions are that the petitioner has been languishing in jail since 28.11.2021 and similarly situated co-accused persons namely Govind Kumar, Vikash Yadav and Raushan Singh @ Chhotu @ Chhotu Singh, who are alleged to have assembled with this petitioner to commit the offences, have been granted bail by this Bench Vide orders passed in Cr. Misc. Nos. 66987/2023, 67467/2023 and 67734/2023 respectively. Further submission is that though against the petitioner, there are criminal antecedents of 11 cases but he is on bail in all the said cases.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly taking into account the privilege of bail having been granted to similarly situated co-accused persons mentioned-above and



custody period of the petitioner and also, the fact that the petitioner's case has been committed for trial, this Court is now inclined to accept the bail prayer of the petitioner. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Imadpur P.S. Case No. 144 of 2021 on **following condition :-**

The petitioner is directed to remain present whenever his physical presence is required by the trial court on the date fixed for framing of charge and if the petitioner fails to appear before the trial court further on such date when his physical presence is required then the learned trial court shall take serious action against him by cancelling his bail bond.

(Shailendra Singh, J)

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