

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17219 of 2024

Arising Out of PS. Case No.-503 Year-2021 Thana- BANIAPUR District- Saran

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Tinku Sharma @ Tinku Kumar, aged about 31 years, Male Son of Ram Ayodhya Sharma, Resident of Village- Paterhi P.S. Marhowrah District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Baniapur PS Case No. 503 of 2021 instituted for the offences punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, three accused persons came on a motorcycle, pointed the pistol upon the informant and got down him from the pickup and take away the pickup van.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. Petitioner is not named in the FIR and has not been caught at the spot. Neither any recovery from the possession of the petitioner nor the petitioner



put on Test Identification Parade. Petitioner is in custody since 04.04.2022.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned A.D.J.-IV, Saran dated 30.11.2023, it appears that petitioner is not named in the FIR and his name transpired in this case during the course of investigation. From perusal of the impugned order, it appears that the petitioner was remanded in the present case from Madhowrah P.S. Case No. 128 of 2022 on 04.04.2022 and since then he is in custody. Similarly situate co-accused persons namely Dablu Singh @ Sudhanshu Singh and Meraj Ansari have been granted bail by a co-ordinate Benches of this Court in Cr. Misc. Nos. 51868 of 2023 and 51147 of 2022 vide order dated 19.12.2023 and 16.12.2022, respectively accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-IV, Chapra, Saran in connection with Baniapur PS Case No. 503 of 2021, Subject of the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the persons who has sworn the



affidavit in the bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned trial Court itself.

(iii) 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.

(Ramesh Chand Malviya, J)

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