

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20331 of 2024

Arising Out of PS. Case No.-670 Year-2023 Thana- GARDANIBAG District- Patna

Md. Tinku @ Md. Shamsher @ Bhaijan @ Md. Samsher Son Of Iddu R/O-
Mangal Talab, Chiktoli, P.S.-CHOWK, Distt.-Patna. At Present- Banwari
Tola, P.S.-Khajekalan, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Gardanibagh P.S. Case
No. 670 of 2023, instituted for the offences punishable under
Section 395 of the Indian Penal Code and Section, on the basis
of written report of informant in which Charge-sheet was
submitted for offences punishable under Sections 395, 414 of
the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms
Act.

3. The prosecution case, in short, is that, five
miscreants armed with deadly weapons entered the house of the



informant and looted gold ornaments along with Rs. 12,000/-

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is recovery of one pistol containing two live cartridges and ornaments along with other articles from the room of the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that no Test Identification Parade has been conducted. Charge-sheet has been submitted in the present case. The petitioner is in judicial custody since 28.09.2023 and has got no criminal antecedent as has been stated in paragraph no. 3 of the present bail application.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, **after framing of charge, if not already framed** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of Court below/concerned
Court in connection with Gardanibagh P.S. Case No. 670 of
2023.

(Rudra Prakash Mishra, J)

Rajorshi/-
Alok/-

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