

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26165 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- HATHUA District- Gopalganj

Rinkal Kumar Singh @ Rinkal Singh, Male, aged about 25 years, Son of Late Dinesh Singh @ Late Deenesh Singh, Resident of village - Jagdishpur, P.S. - Nautan, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Hathua P.S. Case No. 02 of 2024 instituted for the offences punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, three unknown persons who at gun point looted Rs. 50,735/-, samsung company tablet and mobile from the informant.

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 only on the basis of suspicion. He further submits that the petitioner has neither arrested at the spot nor anything has been recovered from his conscious possession. There is no any eye witness of the



occurrence. The petitioner has been made accused only on the basis of confessional statement of Bittu Baitha. Petitioner has not put on Test Identification Parade. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 15.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned VIth Additional Sessions Judge, Gopalganj dated 16.02.2024, it appears that the seized articles have been recovered from the co-accused Guddu Baitha. The name of the petitioner has been surfaced only on the basis of confessional statement of co-accused and there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Gopalganj in connection with Hathua P.S. Case No. 02 of 2024.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of



this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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