

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42166 of 2024

Arising Out of PS. Case No.-604 Year-2023 Thana- BIDUPUR District- Vaishali

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Tinku Kumar Son Of Raj Kumar Das Resident Of Village - Panapur,
Dilawarpur, P.S. - Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bidupur P.S. Case No. 604 of 2023 instituted for the offence under Sections 394, 120(B), 504 & 506 of the Indian Penal Code (for brevity 'IPC'). Subsequently, Section 414 of the IPC was added.

3. Prosecution case in a nutshell is that while the informant was on his way to his shop, he was accosted with two miscreants, who snatched his bag containing 8 kgs of silver ornaments and one of the co-accused has assaulted him by means of butt of the pistol.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 22-11-2023. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused, namely, Vikash Kumar, and the same has no evidentiary value. Petitioner was not put on T.I. parade. Nothing has been recovered from the possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. It is next submitted that it is alleged that 800 grams silver jewellery has been recovered from the house of the petitioner, but the same belongs to the petitioner himself. It is lastly submitted that charge sheet has already been submitted in this case. Other co-accused has been granted bail by this Court vide order dated 19-03-2024, passed in Cr. Misc. No. 20007 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication and charge sheet being submitted, this



Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Bidupur P.S. Case No. 604 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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