

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75263 of 2024

Arising Out of PS. Case No.-462 Year-2021 Thana- BANIAPUR District- Saran

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Tinku Kumar @ Tinku Sharma S/o Ram Ayodhaya Sharma R/o vill - Patehri,
P.S. - Marhowrah, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Baniyapur P.S. Case No. 462 of 2021 instituted for the offences
under Section 395 of the Indian Penal Code.

3. As per prosecution case, in short, is that 12-13
unknown miscreants entered into the house of the Informant
and, on the gun point, they looted various articles including
cash, ornaments etc. and fled away.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is not named in the F.I.R. and his name has



surfaced in this case in course of investigation. The petitioner has been implicated in the present case on the basis of his confessional statement of co-accused. Save and except confessional statement, there is nothing against the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Up till now, no T.I. Parade has been done in this case. The petitioner has no concern with the alleged occurrence. The petitioner has fourteen criminal antecedents and is languishing in judicial custody since 04.04.2022 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Dablu Singh has been granted bail by this Court *vide* order dated 19.07.2024 passed in Cr. Misc. No. 49232 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge, if not already framed*, 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 Baniyapur P.S. Case No. 462 of 2021, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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