

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75372 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- TEKARI District- Gaya

=====

Tokan Kumar @ Token Kumar @ Tukan Kumar, Male, aged about 25 years,
Son of Garhali Yadav @ Gadali Yadav @ Gadhali Yadav, Resident of Village-
Hosil, P.S. Jori, District Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Tekari
(Panchanpur) PS Case No. 154 of 2022 instituted for the
offences punishable under Section 395 of the Indian Penal
Code.

3. As per the prosecution case, all the accused persons
surrounded the auto rickshaw and looted his auto, mobile and
Rs. 1,300/- cash of 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. Petitioner is not named in
the FIR nor any suspicion has been raised against him. It is



further submitted that the looted auto has been recovered in another case due to which the petitioner has been suspected and made accused in this present case. Petitioner was not arrested on the spot and he has been made accused on the basis of suspicion. Petitioner is not put on Test Identification Parade. Petitioner was remanded from Delha P.S. Case No. 74 of 2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR and also the impugned order of the learned Additional Sessions Judge-XII, Gaya dated 16.09.2023, it appears that charge sheet has been submitted under Section 395 of the Indian Penal Code. It appears that the looted tempo has been recovered in Delha P.S. Case No. 74 of 2023 and petitioner has been caught with the said tempo. Petitioner is in custody since 02.06.2023.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. However, the learned trial Court is directed to conclude the trial preferably within a period of one year from the date of receipt of a copy of this order and if the trial is not



concluded within the stipulated period, the petitioner shall be at liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

Anand Kr.

U		T	
---	--	---	--

