

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77247 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KIUL RAIL P.S. District- Lakhisarai

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Tinku Kumar @ Arjun, Gender-Male, Aged about 22 years, Son Of Dular Singh, Resident Of Village - Babhangama, Police Station - Amhara O.P. Lakhisarai, District - Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with Sessions Trial No. 268 of 2023 arising out of Rail (Kiul) P.S. Case No. 15 of 2023 registered for an offence punishable under Sections 395 and 412 of the Indian Penal Code.

3. As per prosecution case, FIR has been lodged against unknown persons against whom the allegation of dacoity in the train is there in the FIR.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and petitioner is not named in the FIR and no looted article has been recovered from the house of the petitioner and he is in custody since 15.03.2023.

5. Learned APP for the State opposes the prayer for



regular bail of the petitioner.

6. On perusal of the FIR and the case diary, it appears that the informant named 7-8 unknown persons under Section 395 of the IPC, petitioner is in custody since 15.03.2023 and no test identification parade has been held by the investigation officer during investigation and similarly situated co-accused persons have already been granted bail by a co-ordinate Benches of this Court passed in Cr. Misc. Nos. 74807 of 2023 and 3041 of 2024, considering which, let the above named petitioner be released on bail ***after framing of the charge*** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III, Lakhisarai in connection with Sessions Trial No. 268 of 2023 arising out of Rail (Kiul) P.S. Case No. 15 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to the law within a period of 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 above named petitioner shall be released on bail on above conditions and the petitioner 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)

Brajesh Kumar/-

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