

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30563 of 2025

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

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Tokan Kumar @ Token Kumar @ Tukan Kumar, aged about 26 years,
Gender-Male, 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

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Tekari
(Panchanpur) P.S. 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. Earlier the prayer for bail of this petitioner was
rejected by this Court passed in Cr. Misc. No. 75372 of 2023
vide order dated 27.02.2024 with a direction that 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.

5. 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 only 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. Petitioner is in custody since 02.06.2023.

6. Learned APP opposes the prayer for bail.

7. From perusal of the FIR and also the impugned order of the learned District and Additional Sessions Judge-III, Gaya dated 05.04.2025, 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. From perusal of the records, it also appears that the trial Court order dated



05.04.2025 states that there is no any progress of the trial against the present petitioner. It is also mentioned in the impugned order that charge has not been framed in this case till date and similarly situated co-accused person namely Shiv Sambhu Kumar has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 61322 of 2022 vide order dated 30.01.2023, I am inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned District and Additional Sessions Judge- III, Gaya in connection with Tekari (Panchanpur O.P.) P.S. Case No. 154 of 2022.

(Ramesh Chand Malviya, J)

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