

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16514 of 2019

Arising Out of PS. Case No.-131 Year-2014 Thana- KHAJALI District- Madhubani

MD. NAYEEM NADAF @ MD. NAYEEM, aged about 45 years (Male), Son of Late Nathuni Nadaf Resident of Village - Kamlabari, P.S.- Jainagar, District – Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Gagan Deo Yadav, Advocate.
For the Opposite Party : Mr.Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 07.01.2017 in a case for the offence registered under Sections 396 and 397 of the IPC.

The prosecution story, in brief, is that on 22.12.2014 at about 11.40 P.M. while the informant was sleeping in his room, at that time 15-20 unknown miscreants standing in the courtyard, he woke up on the sound of Khat-Khat, they told him to open the door on which informant protested thereafter miscreants broken the door and assaulted the informant and his wife and looted ornaments and cash of Rs. 50,000/- thereafter 5-6 miscreants entered into the house of informant's brother Binay



Singh and assaulted him and his wife with sharp cut weapons caused serious injuries and he died at the spot and miscreants also looted money and ornaments thereafter brother of informant informed to Khajauli police thereafter police came there and tried to catch hold them but they fled away. The informant claims to have identified the criminals who had seen the occurrence from a short distance.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come on the basis of confessional statement of co-accused. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. The petitioner has not been put on T.I. Parade. There is no recovery of any incriminating article from possession of the petitioner. Other co-accused have been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 11894 of 2016, order dated 17.03.2016, Cr. Misc. No. 43407 of 2017 order dated 20.09.2017, Cr. Misc. No. 44353 of 2017 order dated 04.01.2018 and Cr. Misc. No. Cr. Misc. No. 847 of 2018



order dated 12.01.2018.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, 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 Additional Sessions Judge-I, Madhubani, in connection with Khajauli P.S. Case No. 131 of 2014, Sessions Trial No. 293 of 2017.

(Sudhir Singh, J)

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