

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25529 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- BAJPATTI District- Sitamarhi

Md Dulare Nadaf @ Md Dulare S/O Soaib Nadaf Resident Of Village- Ward
No.12, Mobarakpur, P.O. Bhutani, P.S.- Sonbarsa, District- Sitmarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar, Adv

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Bajpatti P.S.Case No. 13 of 2022 for the
offences punishable under Sections 399, 402, 413, 414 of
the Indian Penal Code.

As per the prosecution case, it is alleged that the
police on secret information raided an orchard where 12 -13
miscreants were assembled to commit crime, noticing the
police party several miscreants succeeded to flee away and
three persons were apprehended. It is further alleged that



apprehended persons disclosed that looted articles was sold to Kapileshwar Sah and Shambhu Sah. It is further alleged that during the course of investigation, it has come that all the accused persons used to assembled in the house of the petitioner where they also use to keep their vehicles and arms.

Learned counsel for the petitioner submitted that the petitioner is not named in the FIR. However, he has neither arrested at the spot nor any incriminating material has been recovered from person or possession of the petitioner. Save and except the disclosure made by the co-accused person, there is no other material which suggests the complicity of the petitioner in the present case. It is next submitted that the other co-accused person, from whose possession the looted articles have been recovered have already been granted bail in Cr. Misc. No. 19619 of 2022 vide order dated 11.07.2022 as well as Cr. Misc. No. 22567 of 2022 vide order dated 25.07.2022. It is next submitted that the petitioner is in custody since 24.01.2020, having fair antecedent.

On the other hand, learned counsel for the State



opposed the bail application of the petitioner and submits that the name of the petitioner has disclosed by other associates, who were apprehended by the police.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner was neither arrested on the spot nor any incriminating material has been recovered and petitioner is in custody since 24.01.2022, having fair antecedent. Moreover, the other co-accused persons from whose possession recovery has been made have been granted bail by a co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Bajpatti P.S.Case No. 13 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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