

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29178 of 2022

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

MD. ISRAIL @ ISRAIL NADAF Son of Md. Serajual Resident of Village -
Awapur, P.S. - Pupri, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anant Kumar 1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ayush Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bajpatti P. S. Case No. 13 of 2022 registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Section 25 (1-b)a, 26, 35 of the Arms Act and Section 8/20 (b) (ii) (c)/22 Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, it is alleged that the



Police, on a secret information that 12-13 miscreants have assembled in an orchard to commit some crime, raided the said orchard and three persons, namely, Md. Gulab Mansoori, Nasim Nadaf and Hassan Mansoori were apprehended. It is further alleged that the apprehended persons disclosed that 4-5 days ago they had taken a vehicle from the co-accused persons on rent for committing the crime. It is also alleged that all the accused persons have committed *docoity*, thereafter, the looted articles were sold to co-accused Kaplishwar Kumar @ Kapileshwar Sah, on whose confession the recovery has been made from the accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has surfaced on the disclosure made by the co-accused Md. Gulab Mansoori, who was apprehended at the spot and save and except the disclosure made by co-accused person, there is no material much less, neither any incriminating material has been recovered nor he has been put on Test Identification Parade in connection with any of the crime. It is also submitted that only because of past two criminal antecedent, his name has been implicated in this case, though, the petitioner has no concern with the accused persons, who were apprehended by the police.



It is further submitted that other co-accused persons, whose name also transpired on the confession of co-accused persons, they have already been granted bail by this Hon'ble court. It is last submitted that the petitioner is in custody since 07.02.2022, though, the investigation of the crime is already completed and the charge sheet has been submitted much earlier.

On the other hand, learned APP for the State opposes the bail application, however, he is unable to confront that the other co-accused persons have been enlarged on bail.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and other co-accused persons, having identical allegation, have already been granted bail by this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees 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 relative 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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