

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49212 of 2022

Arising Out of PS. Case No.-1043 Year-2021 Thana- SITAMARHI District- Sitamarhi

Hassan Mansoori @ Hassan Nadaf @ Hasan Nadaf, Son of Md. Kasim @ Kasim Nadaf, Resident of Village - Bhawanipur, Ward No.13, P.S.- Parihar, Distt.- 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. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 23-12-2022 The applicant is accused in Crime No.1043 of 2021 registered with Sitamarhi Police Station for the offences punishable under Sections 395 and 397 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He argued that there is no legal evidence against the applicant and he is falsely implicated on the basis of confessional statement of co-accused recorded by police.

The learned Additional Public Prosecutor opposed the application by contending that there are two antecedents against the applicant.

I have considered the submissions so advanced and



also perused the materials placed before me.

As stated by the learned counsel for the applicant, co-accused Brajesh Bharti, against whom similar case is there, is directed to be released on bail by a Coordinate Bench of this Court vide order dated 15.11.2022 passed in Cr. Misc. No.36809 of 2022. The FIR itself shows the *Dacoits* had masked their faces. Nothing is reported to be recovered from the applicant. The investigation of the subject crime is over.

Considering the nature of the evidence against the applicant/accused, his further pretrial detention is not warranted. Hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 1043 of 2021 registered with Sitamarhi Police Station for the offence punishable under Sections 395 and 397 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand) and on furnishing surety of the like amount to the satisfaction of the Trial Court with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the Trial Court in expeditious disposal of the trial against him.

(III) The applicant/accused should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

(IV) The applicant/accused should not tamper with the prosecution evidence in any manner.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant.

(A. M. Badar, J)

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