

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45198 of 2022**

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

Naseem Nadaf @ Wasim @ Basim Nadaf, Son of Haseem Nadaf, Resident of
Village - Bhalhi, P.S. Bathanaha, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46386 of 2022

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

Md.Gulab Mansuri, Son Of Sabir Mansoori, R/O Village- Koiriya, Pipra, P.S.-
Parihar, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45198 of 2022)

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

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

(In CRIMINAL MISCELLANEOUS No. 46386 of 2022)

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 23-12-2022 Since both the applications arise out of Sitamarhi P.S.

Case No. 1043 of 2021, as such, they have been taken up

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

In the present case, the petitioners seek bail in
connection with Sitamarhi P.S. Case No. 1043 of 2021
registered for the alleged offences under Sections 395 and 397



of the Indian Penal Code.

As per prosecution case, sixteen dacoits entered into the house of the informant and they looted a number of jewellery items, ornaments and Rs. 45,000/- from the house of the informant. The name of the petitioners transpired during investigation as the accused persons involved in this dacoity.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners were not named in the FIR and nothing incriminating has been recovered from their conscious possession. No Test Identification Parade has been carried out for identification of the petitioners as dacoits. The name of the petitioners transpired in this case on the basis of confessional statement which was recorded in Bajpatti P.S. Case No. 13 of 2022. Charge-sheet has been submitted in this case and the petitioners are in custody since 16.03.2022.

Learned APP vehemently opposes the prayer for bail submitting that the petitioners are having criminal antecedents and petitioner Gulab Mansuri is accused in 12 cases of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that no recovery has been shown from the petitioners and further considering the period of custody of the petitioners as well as submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No. 1043 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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