

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69577 of 2021

Arising Out of PS. Case No.-101 Year-2017 Thana- MADHEPUR District- Madhubani

Md. Izaroyal @ Ajjo, Son of Late Birkha Mian, Resident of Village- Majhani,
P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with S.T. No. 181 of 2019 arising out of Madhepur P.S. Case No. 101 of 2017 registered for the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, 13 dacoits entered into the house of the informant and committed dacoity and took away ornaments and cash worth Rs 2.5 Lakh. The name of the petitioner transpired as one of the accused persons during investigation.

The learned counsel for the petitioner submits that the



earlier bail petition of the petitioner was rejected vide order dated 20.02.2020 passed in Cr. Misc. No. 58748 of 2019. The petitioner is not named in the FIR and nothing incriminating has been recovered from his conscious possession. He has been named in this case on the basis of confessional statement of co-accused persons and this co-accused have been granted bail vide order dated 16.04.2018 passed in Cr. Misc. No. 22064 of 2018 by a Co-ordinate Bench. Other co-accused persons have also been granted bail by Co-ordinate Benches of the Court.

Raju Mukhiya has been granted bail vide order dated 16.04.2018 passed in Cr. Misc. No. 20524 of 2018, Bhuwan Mukhiya has been granted bail vide order dated 16.04.2018 passed in Cr. Misc. No. 22064 of 2018. Idal Mukhiya has been granted bail vide order dated 02.07.2019 passed in Cr. Misc. No. 29764 of 2018 and Laxman Sah has been granted bail vide order dated 02.07.2019 passed in Cr. Misc. No. 10810 of 2019. The petitioner is in custody since 12.02.2019 and there is no likelihood of early conclusion of the trial since the matter is still at the stage of recording of prosecution evidence.

Learned APP has opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in altogether 23 cases of similar nature.



Having regard to the submissions made hereinabove and considering the period of custody of this petitioner and non conclusion of trial during this period though it has been mentioned in the earlier rejection order that only one witness was to be examined and the report of the learned trial court shows the matter is still at the stage of prosecution evidence, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Jhanjharpur in connection with S.T. No. 181 of 2019 arising out of Madhepur P.S. Case No. 101 of 2017, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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