

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71613 of 2021

Arising Out of PS. Case No.-200 Year-2019 Thana- JHANJHARPUR District- Madhubani

Md. Nabijul @ Md. Nabijul Kujra, Son of Late Md. Majid, Resident of
Village - Nagar Panchayat Jhanjharpur Ward No.- 12, P.S.- Jhanjharpur,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-10-2022 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.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 87 of 2021 arising out of
Jhanjharpur P.S. Case No. 200 of 2019 registered for the alleged
offences under Sections 399, 400 and 402 of the Indian Penal
Code.

As per prosecution case, two persons were
apprehended by villagers and during investigation it came to
knowledge of the police that those two persons and the present
petitioner and other co-accused persons were involved in



preparation of dacoity and during their assembly for making such preparation, a bomb accidentally exploded and one of them died in the said explosion.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner surfaced during investigation. Other similarly placed co-accused persons have been granted bail by different Co-ordinate Benches vide order dated 14.12.2021 passed in Cr. Misc. No. 20718 of 2021 and Cr. Misc. No. 37889 of 2021 and order dated 25.10.2021 passed in Cr. Misc. No. 19203 of 2021 and order dated 20.04.2022 passed in Cr. Misc. No. 61368 of 2021, respectively. Learned counsel further submits that the petitioner is having criminal antecedent and accused in altogether seven cases. The petitioner is in custody since 27.05.2020 and charge-sheet has been submitted.

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

Having regard to the submissions made on behalf of the parties and considering the lack of substantive material against the petitioner on record and also taking into account his period of custody and the submission of charge-sheet, 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-1st Jhanjharpur, Madhubani in connection with Sessions Trial No. 87 of 2021 arising out of Jhanjharpur P.S. Case No. 200 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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