

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11581 of 2023**

Arising Out of PS. Case No.-125 Year-2020 Thana- BELA District- Sitamarhi

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BABUJAN NADAF @ KALAM NADAF Son of Bholu @ Iliyas Nadaf
Resident of Village - Betaha, P.S.- Bela, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 15-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bela P.S.
Case No. 125 of 2020 dated 14.11.2020 registered for the offence
under Sections 395 of the Indian Penal Code and 3 and 4 of the
Explosive Substance Act.

Unidentified miscreants, who are stated to be in
association of 35-40 in numbers, alleged committed loot in the
house of the informant after assaulting him and his family
members by iron rods. They also hurled bombs while they were
running away after commission of loot in order to establish fear
and terror.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case. He further submits that the petitioner has not been named in the F.I.R. however, his name transpired in this case during course of investigation on the basis of his self confession with regard to his involvement in the alleged occurrence and also on the basis of confessional statement of the co-accused, Shabdul Nadaf and Gulab Nadaf. He further submits that nothing incriminating has been recovered from the house of conscious possession of the petitioner nor he has been put on T.I.P. as yet. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one and out of five, he has been allowed bail in four cases as stated in the supplementary affidavit filed on his behalf.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bela P.S. Case No. 125 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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