

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22604 of 2023

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

MD. GULAB MANSURI @ GULAB MANSURI S/O LATE SABIR
MASURI Resident of Village- Koriya Pipra, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The accused/petitioner is not named in the F.I.R. and is
in custody since 05.08.2022.

4. The allegation against the petitioner is to commit
dacoity alongwith other unknown co-accused persons having total
number of 35-40 and while committing so looted cash of Rs.
4,50,000/- (Rupees Four Lac Fifty Thousand only) and several gold
and silver made ornaments from the house of informant and also
assaulted informant and his family members during the course of
dacoity.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not named in F.I.R. and his name surfaced in present case during the course of investigation on the basis of confessional statement of co-accused Babujan Nadaf, Md. Gulab Nadaf and Md. Izrail Nadaf, where in furtherance thereof, no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with the present occurrence of dacoity. It is further pointed out that said co-accused persons have already been granted bail by different Co-ordinate Benches of this Court through Cr. Misc. No. 11581 of 2023 vide order dated 15.05.2023, Cr. Misc. No. 71402 of 2022 vide order dated 27.03.2023 and Cr. Misc. No. 72819 of 2022 vide order dated 13.03.2023, respectively. It is submitted that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in 15 more criminal cases, where he is on bail in 12 cases and out of suspicion arises from these criminal antecedents, he also named in present case, where in maximum of the cases his name surfaced on the basis of confessional statement, as of present case, having otherwise no bearing over the merit of this case and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned



above and by taking note of the fact as save and except suspicion arises out of confessional statement of co-accused persons, nothing incriminating material recovered/surfaced during the course of investigation as to connect petitioner, *prima facie*, with the present occurrence of dacoity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.08.2022, accordingly, above named petitioner is directed to be released on bail in connection with Bela P.S. Case No. 125 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional and Judicial Magistrate, Sadar (Sitamarhi)/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not indulge in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every



date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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