

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33542 of 2023

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

Sabdul Nadaf @ Shabdul Nadaf Son Of Late Nisharul Nadaf R/O Village -
Betaha, P.S.- Bela, Dist.- Sitamarhi.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bela P.S.
Case No. 125 of 2020, Sessions Trial No. 144/2023 registered
for the offence under Sections 395 of the Indian Penal Code and
¾ Explosive Substance Act.

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

The allegation against the petitioner is to commit
dacoity alongwith other co-accused persons in the joint house of
the informant and while committing so taken away cash more
than five lacs and several ornaments made up of gold belongs to



family members.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the FIR and his name surfaced on the basis of his self confession while apprehended in other criminal case, in furtherance of which, no incriminating material recovered/surfaced to connect petitioner with present occurrence of dacoity. It is also submitted that as petitioner found involved in eight more criminal cases, where in maximum of the cases, he is on bail, where his name surfaced on the basis of confessional statement, as of the present case, a suspicion arises and out of said suspicion, petitioner implicated with present case also without having any connecting evidence or having any bearing otherwise on merit. It is also submitted that similarly situated co-accused person person, namely, Izrail Ndaf has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 72819 of 2022 dated 13.03.2023. It is further submitted that petitioner not put on TIP as yet. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.



Considering the facts and circumstances as mentioned above and by taking note of the fact, as save and except self confession, no incriminating material surfaced/recovered as to connect petitioner *prima facie* with the present occurrence of dacoity, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 05.08.2022, accordingly, the petitioner, above named, is directed to be released on bail in connection with Bela P.S. Case No. 125 of 2020, Sessions Trial No. 144/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XV, Sitamarhi/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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