

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41435 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- BELA District- Sitamarhi

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GULAB MIYAN @ GULAB NADAF Son of Lal Babu @ Lalbabu Nadaf
Resident of Village - Harpur Bhalahi Ward No.- 13, P.S.- Bathnaha, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 25-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bela P.S.
Case No. 113 of 2021 registered for the offences punishable
under Sections 395 and 397 of the Indian Penal Code.

As per prosecution case, As per prosecution case, 15-
20 unknown miscreants entered into the house of informant. It is
further alleged that the miscreants assaulted the informant's
father-in-law, her son and her neighbors. It is further alleged that
miscreants made firing and hurdled bomb and also snatched Tab
of one Gautam.



Learned counsel for the petitioner submits that petitioner is remanded in this case on 02.03.2022 from Bajpatti P.S. Case No. 13 of 2022. Petitioner bears eight criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not name in the F.I.R. Name of present petitioner has been transpired in this case on the basis of confessional statement of co-accused Sabdul Nadaf. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R. No T.I.P. has been made till today. Learned counsel further submits that co-accused Babujan Nadaf has already been granted bail vide Cr. Misc. No. 49141 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.

Considering the facts and circumstances of the case as



well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused person has already been granted bail, argument advanced on behalf of the parties, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court in connection with Bela P.S. Case No. 113 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time



of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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