

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42509 of 2022

Arising Out of PS. Case No.-127 Year-2020 Thana- BELA District- Sitamarhi

BABUJAN NADAF @ KALAM NADAF Son of Late Iliyas Nadaf @ Molu
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.Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Bela P.S. Case No. 127 of 2020
registered for the offences punishable under
Section 395 of the Indian Penal Code and $\frac{3}{4}$ of the
Explosive Substance Act.

The allegation is regarding unknown
miscreants having entered into the house of the
informant, after breaking the door, whereafter they
had decamped with cash amount of Rs. Six lacs,
Five Tola of gold and silver, a laptop and one
mobile phone.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 30.11.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in six other cases but he is on bail in all the six cases. The learned counsel for the petitioner has also submitted that neither the petitioner has been identified to be the perpetrator of crime nor any stolen cash amount or articles have been recovered from the possession of the petitioner. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by the co-ordinate Benches of this Court vide order dated 04.01.2022 and 01.09.2022, passed in Criminal Miscellaneous No. 33625 of 2021 and Criminal Miscellaneous No. 22781 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of bail by the co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 S.D.J.M., Sadar, Sitamarhi in connection with Bela P.S. Case No. 127 of 2020.

(Mohit Kumar Shah, J)

S.Sb/Saurav

U		T	
---	--	---	--

