

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43357 of 2022

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

SHABDUL NADAF S/o Nisarul Nadaf R/o village- Betaha, P.S.- Bela, Distt.-
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.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 395 of the Indian Penal Code and
Section 3/4 of the Explosive Substances Act.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf
of the petitioner, which forms part of this application

The case relates to theft of cash of Rs. 6,00000/- along
with ornaments and household electronic items from the house
of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case
and the petitioner is not named in the FIR and the name of the
petitioner has been transpired during investigation on the basis
of the confessional statement of co-accused, namely, Babujan



Nadaf and the self-statement of the petitioner. Further submits that except confessional statement of co-accused, namely, Babujan Nadaf and the self-statement of the petitioner, no other cogent material has come during investigation against the petitioner and the similarly situated several co-accused persons, namely, Ram Jee Mandal has been granted bail by this Hon'ble Court vide order dated 04.01.2022 passed in Cr. Misc. No. 33625 of 2021 and another co-accused, namely, Gulab Miyan @ Gulab Nadaf has also been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 01.09.2022 passed in Cr. Misc. No. 22781 of 2022. Further submits that the petitioner has got 11 criminal antecedents. Out of 11 cases, in 07 cases the petitioner has been granted bail, in 02 cases the petitioner was not remanded and rest 02 cases are pending. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 30.11.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner. Further submits that the petitioner has got 11 criminal antecedents.

Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 court below where the case is pending in connection with Bela P.S. Case No.127 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 cancelled 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.

(3) 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)

Nitesh/-

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

