

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43023 of 2023

Arising Out of PS. Case No.-9 Year-2016 Thana- CHAPRA MUFFASIL District- Saran

IMADUL @ INDADUL @ SHEIKH IMADUL son of Hassan Sheikh
Village- Anandpally Sehna Ps- Baraha Khardaha Dist- North 24 Pargana W.B

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in connection with
Sessions Trial No. 652 of 2022 arising out of Chapra Muffasil
P.S. Case No. 09 of 2016 registered for the offences punishable
under Sections 395, 397 of the I.P.C.
3. As per prosecution case, 8-10 miscreants
committed loot in the house of the informant and they took
away Rs. 15,000/-, gold jewelry, silver jewelry and other
documents. Informant has firm belief that Rajesh Nut alongwith
8-10 other miscreants committed the alleged crime.
4. Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. During course of
investigation, name of present petitioner has been surfaced as he



is associate with co-accused Rajesh Nut and others. Petitioner is remanded in the present case on 25.03.2022. Petitioner bears no criminal antecedent. 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 petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. No T.I.P. has been conducted uptill now. Learned counsel further submits that co-accused Badal Khan and co-accused Sahinoor have already been granted bail vide Cr. Misc. No. 74949 of 2022 and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. 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, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties, co-accused persons have already been granted bail and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saran at Chapra in connection with Sessions Trial No. 652 of 2022 arising out of Chapra Mufassil P.S. Case No. 09 of 2016, 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.

(Alok Kumar Pandey, J)

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