

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42176 of 2022**

Arising Out of PS. Case No.-1043 Year-2021 Thana- SITAMARHI District- Sitamarhi

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MD. IJRAIL @ MD. ISRAIL @ IJRAIL NADAF Son of Md. Serajul
Resident of village- Awapur, P.S- Pupri, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 23-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Sitamarhi P.S. Case No. 1043 of 2021 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code.

As per the prosecution, the informant alleged that



about 16 unknown miscreants barged into the house of the informant after midnight and by brandishing their weapons looted some gold jewelleryes and as cash of Rs. 45,000/-.

The main submissions advanced by the learned counsel Mr. Santosh Kumar for the petitioner are that the petitioner's name surfaced in the present matter in the confessional statement of the co-accused persons made in connection with Bajpatti P.S. Case No. 13 of 2022 and thereafter the petitioner was remanded in this case on 16.03.2022 and except the said statement given before the police there is no any material against the petitioner and the police failed to recover any of the looted articles from the possession of the petitioner and in light of the direction given by this court the petitioner was put on test identification parade on 06.02.2023 in which the petitioner was not identified by the concerned aggrieved person, who claimed to identify the accused persons and in this regard Annexure- 'E' attached to the show cause submitted on behalf of Superintendent of Police is relevant. Further submission is that similarly situated co-accused persons namely, Brajesh Bharti, Naseem Nadaf @ Wasim @ Basim Nadaf, Hassan Mansoori @ Hassan Nadaf, @ Hasan Nadaf, Shaambhu Sah and Md. Murtuza @ Karlos have



already been granted bail by different benches of this court vide orders passed in Cr. Misc. No. 36809 of 2022, Cr. Misc. No. 45198 of 2022, Cr. Misc. No. 49212 of 2022, Cr. Misc. No. 50361 of 2022 and Cr. Misc. No. 60785 of 2022 respectively.

Learned APP Mr. Narendra Kumar Singh appearing for the State has vehemently opposed the bail prayer of the petitioner and submitted that the petitioner belongs to the same locality as of the informant and on account of fear no one dared to come out to reveal something in respect of the alleged acts of the petitioner and the same situation persists in connection with the present matter and the petitioner has a long criminal history.

In view of the facts, as stated above and mainly considering the privilege of bail granted to similarly situated co-accused persons mentioned above and also the fact that except the confessional statement of the co-accused persons as pointed out by learned counsel for the petitioner, there is no any other material against the petitioner which has also been accepted by learned APP during the course of argument, so in such a situation mainly on the basis of criminal antecedent it will not be proper to keep the petitioner behind the bars during the trial of his case. Accordingly, let the petitioner 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 the
concerned Court in connection with Sitamarhi P.S. Case No.
1043 of 2021.

Rajiv/-

(Shailendra Singh, J)

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