

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44223 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- BELA District- Sitamarhi

MD. ISRAIL @ MD. ISRAEL @ IJRAIL NADAF SON OF MD. SERAJUL
R/O VILLAGE- AWAPUR, P.S.- PUPRI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48358 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- BELA District- Sitamarhi

MD. GULAB MANSURI S/o Sabir Mansoori R/o village- Koiriya, Pipra,
P.S.- Parihar, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44223 of 2022)

For the Petitioner/s : Mr.Ayush Kumar, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 48358 of 2022)

For the Petitioner/s : Mr.Ayush Kumar, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

The petitioners seek bail in connection with Bela
P.S. Case No. 177 of 2021 registered for the offences punishable
under Sections 395, 397 of the Indian Penal Code and Section 3
of Explosive Substance Act.



As per prosecution case, eight unknown miscreants entered into the house of informant and assaulted his wife and daughter-in-law and took away Rs. 1,30,000/- kept in trunk. It is also alleged that miscreants took away ornaments of daughter of the informant. The miscreants also exploded bomb.

Learned counsel for the petitioner Md. Israil @ Md. Israel @ Ijrail Nadaf submits that petitioner is not named in the FIR and his name has been surfaced in this case upon the confessional statement of co-accused. He further submits that petitioner has been remanded in the present case from Bajpatti P.S. Case No. 13 of 2022. He further submits that no incriminating material has been recovered from conscious possession of the petitioner nor he has been put on TIP and he has falsely been implicated in this case due to dirty village politics. No looted article has been recovered either from the house or possession of the petitioner. He further submits that petitioner was not apprehended on the spot. Except confessional statement, there is nothing on record to demonstrate the culpability of the present petitioner with the alleged occurrence. Co-accused Md. Aftab @ Md. Aftab Shekh has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 52495 of 2022. Petitioner is in custody since



09.03.2022 and bears criminal antecedent of seven cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

Learned counsel for the petitioner Md. Gulab Mansuri submits that petitioner is not named in the FIR and his name has been surfaced in this case upon the confessional statement of co-accused Nasim Nadaf. He further submits that petitioner has been remanded in the present case from Bajpatti P.S. Case No. 13 of 2022. He further submits that no incriminating material has been recovered from conscious possession of the petitioner nor he has been put on TIP and he has falsely been implicated in this case due to dirty village politics. No looted article has been recovered either from the house or possession of the petitioner. He further submits that petitioner was not apprehended on the spot. Except confessional statement, there is nothing on record to demonstrate the culpability of the present petitioner with the alleged occurrence. Co-accused Md. Aftab @ Md. Aftab Shekh has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 52495 of 2022. Petitioner is in custody since 09.03.2022 and bears criminal antecedent of twelve cases. Charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners on the ground that petitioners carry criminal antecedents

Considering the facts and circumstances of the case, period of custody, co-accused Md. Aftab @ Md. Aftab Shekh has already been granted bail by the co-ordinate Bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bela P.S. Case No. 177 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) Petitioners 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 petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioners will 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 they will get their presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

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

(vi) However, if petitioners violate any of the conditions enumerated above, the learned trial court shall be at liberty to cancel the bail bond of the petitioners.

(Alok Kumar Pandey, J)

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