

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50696 of 2022

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

MD. GULAB MIA @ GULAB MIYAN @ GULAB NADAF Son of Lal Babu @ Lal Babu Nadaf Resident of Village - Bhalhi, P.s.- Bathnaha, 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. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-03-2023 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 Bela P.S. Case No.177 of 2021 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 3 of the Explosive Substance Act.

As per the prosecution, the informant alleged that eight unknown miscreants barged into the informant's house looted Rs.1,30,000/- cash and assaulted the informant's wife and



daughter-in-law.

The main submissions advanced by the learned counsel for the petitioner are that though the petitioner has criminal antecedents of several cases but in the instant matter he was made accused mainly on the basis of his confessional statement and statements of co-accused persons given before the police which have no evidentiary value and after his arrest police failed to recover any looted article from the possession of this petitioner and some similarly situated co-accused persons namely Md. Aftab @ Md. Aftab Shekh, Babujan Nadaf @ Kalam Nadaf, Md. Israil @ Md. Israel @ Ijrail Nadaf, Md. Gulab Mansuri and Shabdul Nadaf carrying similar nature of allegation have been granted Regular Bail by different Benches of this Court vide orders passed in Cr. Misc. Nos.52495 of 2022, 53966 of 2022, 44223 of 2022, 48358 of 2022 and 55335 of 2022 respectively and their involvement in the alleged crime also surfaced in the confessional statement of co-accused persons and petitioner's case stands on similar footing with the said co-accused persons.

Learned APP appearing for the State has opposed the bail prayer but fairly accepted that against the petitioner there is no material except his and co-accused persons' confessional



statements and also accepted that after his arrest police did not recover any part of the looted articles from the possession of this petitioner.

In view of the facts, as stated above, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail **after framing of charge** 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 Bela P.S. Case No.177 of 2021.

(Shailendra Singh, J)

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