

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54624 of 2022

Arising Out of PS. Case No.-279 Year-2017 Thana- BELA District- Sitamarhi

Md. Izrail @ Md. Israil S/O Md. Serajul Resident Of Village- Awapur, P.S.-
Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Bela P.S. Case No. 279 of 2017 registered under Sections 395 and 397 of the Indian Penal Code.

As per allegation in the FIR, when the informant Dr. Ajay Kumar along with his compounder was sleeping in his chamber after taking meal then seven miscreants entered into the hospital and assaulted them and committed dacoity.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case due to dirty village politics. It is further submitted that the name of the petitioner came into light only on the basis of confessional statement of



co-accused Md. Gulab Mian before the police which has got no evidentiary value in the eye of law. There is no consistent evidence available against the petitioner. The petitioner is not named in F.I.R. and nothing has been recovered from the conscious possession of the petitioner. Similarly situated co-accused person namely Md. Gulab Mian has already been granted bail by this co-ordinate Bench of this Court vide order dated. 25.04.2022. in Cr. Misc. No. 70281 of 2021. The petitioner is languishing in judicial custody since 16.03.2022.

The application for bail is vehemently opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bela P.S. Case No. 279 of 2017 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Sadar Sitamarhi.

(Sunil Kumar Panwar, J)

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