

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57575 of 2022

Arising Out of PS. Case No.-127 Year-2020 Thana- BELA District- Sitamarhi

MD. IJRAIL @ MD. ISRAIL @ MD. ISRAEL @ MD. IRAYAL @ IJRAIL
NADAF Son of Md. Serajul Resident of Village - Awapur Taram Tola, P.s.-
Pupari, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Bela P.S. Case No.127 of 2020 (S.Tr. NO.144 of 2022), registered for the offences punishable under Sections 395 of the Indian Penal Code and 3/4 of the Explosive Substances Act.

The allegation is regarding unknown miscreants having entered into the house of the informant in the dead of night on the alleged date of occurrence, and then they are stated to have looted a sum of Rs.6 lacs, five *tola* gold, silver ornaments, laptop and one mobile phone. The



niece of the informant is stated to have seen some of the miscreants and had informed the informant that they are the same persons who had painted the house of the informant one and a half month back. It is also alleged that upon alarm being raised, the accused persons had exploded bomb and had then fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 31.05.2022. The learned counsel for the petitioner has further submitted that neither any test identification report has been conducted so as to connect the petitioner with the alleged crime nor any recovery of the looted articles has been made from the possession of the petitioner and he has been falsely implicated in the present case on account of his bad criminal antecedent, inasmuch as he is accused in eight other cases. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by



a co-ordinate Bench of this Court vide order dated 01.09.2022 passed in Cr.Misc. No.22781 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no test identification parade has been held so as to connect the petitioner with the alleged occurrence nor any recovery of looted articles has been made from the possession of the petitioner, apart from the fact that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, though I deem it fit and proper to admit the petitioner to the privilege of bail, however, subject to certain conditions.

Accordingly, the above named petitioner



is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-X, Sitamarhi in connection with Bela P.S. Case No.127 of 2020 (S.Tr. NO.144 of 2022).

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10:30 am. on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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