

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66859 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- PUPRI District- Sitamarhi

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Naseem Nadaf @ Wasim @ Basim Nadaf @ Naseem @ Wasim Nadaf S/o
Haseem Nadaf R/o Village- Bhalhi, P.S.- Bathanana, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Pupri P.S.

Case No.12 of 2022 registered for the offence under Section

394 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and

is in custody since 16.03.2022.

The allegation against the petitioner is to commit

robbery and while committing so took away cash of

Rs.1,00,000/- (Rupees One Lakh) and gold jewellery of value

around Rs.6,00,000/- (Rupees Six Lakhs) belonging to

informant.

Learned counsel appearing on behalf of the petitioner

submitted that the name of petitioner surfaced during the course



of investigation on the basis of confessional statement of co-accused, namely, Md. Gulab Mansoori, while apprehended in connection with Bajpatti P.S. Case No. 13 of 2022. It is also pointed out that in furtherance of self confessional statement no incriminating material recovered/surfaced from the possession of this petitioner, which may connect him with the present occurrence of robbery. It is also submitted that petitioner was not put on T.I.P. as yet. While, travelling over the argument it is submitted that similarly situated co-accused, namely, Guddu Sah has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 60867 of 2022 vide order dated 07.02.2023. While concluding the argument, it is submitted that petitioner found also involved in six more cases, where he is on bail in three cases and in maximum of the cases his name surfaced on the basis of confessional statement, as of the present case and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that petitioner is not named in the F.I.R.



In view of the facts and circumstances as mentioned above and by taking note of the fact as no incriminating material recovered/surfaced during the course of investigation, which may connect petitioner, prima facie, with the present occurrence of robbery coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Pupri P.S. Case No.12 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate(P), Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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