

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24061 of 2024

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

Md. Isatiyak @ Md. Isteyaq Nadaf @ Md. Isteyaq Mansoori S/O Harun Nafaf
@ Harun Mansuri R/O Village- Bhalahi, P.S- Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 10-04-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned APP appearing on behalf of

the State.
2. The petitioner seeks bail in connection with

S.Tr. No. 878 of 2023 arising out of Pupri P.S. Case

No.12 of 2022 registered for the offence under Section

394 of the Indian Penal Code.
3. The accused/petitioner is not named in the

F.I.R. and is in custody since 28.07.2023.
4. 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.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced out of self confession, while apprehending in connection with Sitamarhi P.S. Case No. 139 of 2023, in furtherance of which, 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 TIP as yet. While travelling over the argument, it is submitted that on the basis of confessional statement of petitioner, one motorcycle alleged to be recovered from the house of co-accused Izrail, which is not looted property as per narration of FIR. It is submitted by learned counsel that out of police atrocities, when petitioner was apprehended in Sitamarhi P.S. Case No. 13 of 2022, he was named with 11 more criminal cases of similar nature, where he is on bail in



five cases, where in maximum of the cases, his name surfaced on the basis of self confession and confession of co-accused. 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.

6. 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.

7. 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 S.Tr. No. 878 of 2023 arising out of 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 Additional Sessions Judge-8th, 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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