

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50563 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- AAJAM NAGAR District- Katihar

Israil, aged about 48 years, Sex-Male, S/o Jalaluddin, R/o vill - Devipur
(Naya Beleimari), P.S. - Rahuta, Distt. - Maldah (W.B).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	M/S. Uday Chand Prasad, Manoj Kumar and Pooja Prasad, Advocates
For the Opposite Party	:	Mr. Tapeshwar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Azamnagar P.S. Case No. 98 of 2024 dated 09.03.2024 registered for the offences punishable under Sections 395 of the I.P.C., 27 of the Arms Act and $\frac{3}{4}$ of the Explosive Substances Act.

3. As per the prosecution case, on 08.03.2024, 20-25 unknown miscreants holding lethal weapons are alleged to have entered the house of the informant with deadly weapons and committed dacoity of jewellery, cash, a mobile phone, D.V.R. and other articles from his house and fled away.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the occurrence took place on 08.03.2024 as to when the F.I.R. has been lodged on 09.03.2024 against unknown accused persons. The petitioner is not named in the F.I.R. His name has surfaced in the present case on the basis of his self confessional statement made before the police which has got no evidentiary value in the eye of law. It is further submitted that no incriminating article has been recovered from the possession of the petitioner. It is further submitted that the learned court below has mentioned in paragraph no. 6 of the impugned order that there is recovery of Rs. 3,000/- and a looted silver chain from the possession of the petitioner but it is submitted that the cash of Rs. 3,000/- and silver chain are the common articles and which belong to the petitioner and not of looted articles. The other co-accused person, namely, Shekh Naimuddin @ Naimuddin @ Nemuddin @ Paikar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 57510 of 2024 under order dated 27.08.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 20.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Katihar in connection with Azamnagar P.S. Case No. 98 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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