

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67031 of 2024

Arising Out of PS. Case No.-177 Year-2021 Thana- BELA District- Sitamarhi

Md. Israil Son of Md. Shirajul Resident of Village - Mubarakpur (Bhawapur),
P.S.- Sonvarsa (Pupri), District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ritesh Kumar Narain Singh
		Mr. Sanjeev Kumar
For the Opposite Party/s :		Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bela
P.S. Case No. 177 of 2021 registered for the offences punishable
under Sections 395 and 397 of IPC and Section 27 of Arms Act
and Section 3/4 of Explosive Substance Act.

3. As per prosecution case, eight unknown
miscreants entered into the house of informant and assaulted his
wife and daughter-in-law and took away Rs. 1,30,000/- kept in
trunk. It is also alleged that miscreants took away ornaments of
daughter of the informant. The miscreants also exploded bomb.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been



surfaced in the present case upon his self-confessional statement in Parihar P.S. Case No. 19 of 2024. He further submits that petitioner has been arrested in Parihar P.S. Case No. 19 of 2024 and he has been remanded in the present case on 12.02.2024 and since then he is in custody. Except self-confessional statement, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner bears criminal antecedent of nine cases. Learned counsel further submits that petitioner is quite innocent and has committed no offence as alleged in F.I.R. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and charge has also been framed. He further submits that no TIP has been conducted uptill now and no looted articles have been recovered from the possession of the petitioner. It is further submitted that co-accused, Shabdul Nadaf, has already been granted bail by this Court vide Cr. Misc. No. 55335 of 2022 and the case of present petitioner stands more or less on similar footing. Hence, the petitioner also deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner keeping in view the criminal antecedent of the petitioner.



6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-I, Sitamarhi in connection with Bela P.S. Case No. 177 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time



of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions enumerated above, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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