

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67563 of 2024

Arising Out of PS. Case No.-125 Year-2020 Thana- BELA District- Sitamarhi

Md. Israil S/o Md. Shirajul R/o Village- Mubarakpur (Bhawapur), PS-
Sonvarsa (Pupri), Distt- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Bela P.S.

Case No. 125 of 2020 registered for the offences under
Sections 395 of the Indian Penal Code and 3/4 of the
Explosive Substance Act.

3. The petitioner is not named in the First
Information Report and is in custody since 23.01.2024.

4. Allegation against the petitioner is to commit
dacoity alongwith other co-accused persons in the joint house
of the informant, and while committing so, taken away cash
more than Rupees five lakhs and several ornaments.

5. It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner remanded in this case



from Parihar P.S. Case No. 19 of 2024 on the basis of his self-inculpatory statement, in furtherance of which, no incriminating material recovered/surfaced during course of investigation as to connect the petitioner *prima-facie* with the present occurrence of dacoity. Learned counsel submits that petitioner found involved in ten more criminal cases and due to suspicion arising out of said criminal antecedents, petitioner implicated with the present case also.

6. It is pointed out that in maximum cases, name of petitioner transpired either on the basis of self confession or confessional statement of co-accused as of the present case. Petitioner has not put on Test Identification Parade as yet. While concluding argument, it is submitted that similarly situated co-accused persons namely, Sabdul nadaf @ Shabdul Nadaf and Md. Gulab Mansuri @ Gulab Mansuri have already been granted bail by this Court through Cr. Misc. No. 33542/2023 and Cr. Misc. No. 22604/2023 dated 24.06.2023 and 02.08.2023 respectively. Moreover, investigation of this case is already completed and, as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State has opposed the



prayer for bail of the petitioner.

8. Considering the facts and circumstances as save and except suspicion arising out of self-confession, nothing *prima-facie* recovered/surfaced during investigation as to connect the petitioner with the present occurrence of dacoity, coupled with the fact that petitioner remains in custody since 23.01.2024, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XV, Sitamarhi/concerned court, in connection with Bela P.S. Case No. 125 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

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