

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10350 of 2025

Arising Out of PS. Case No.-113 Year-2021 Thana- BELA District- Sitamarhi

Md. Israil @ Md. Israil Nadaf @ Md. Ishrail Mansuri, S/o Late Serajul Nadaf,
R/o village - Awapur, P.S. - Pupri, Dist. - Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 06-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Bela P.S. Case No.113 of 2021 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 3 of the Explosive Substances Act.

3. The accused/petitioner is not named in the FIR and is in custody since 10.09.2024.

4. As per case of prosecution, when petitioner along with other co-accused persons were passing through the courtyard of informant, a protest was raised, whereafter, accused persons including the petitioner assaulted the father-in-law of informant by bricks. It is further alleged that



miscreants made firing and hurled bomb upon the informant and fled away.

5. It is submitted by learned counsel appearing for petitioner that name of petitioner transpired during course of investigation out of confessional statement of co-accused namely, Babujan Nadaf @ Kalam Nadaft, in furtherance of which, no incriminating material recovered/surfaced as to connect petitioner *prima facie* with present occurrence. It is pointed out that said co-accused Babujan Nadaf @ Kalam Nadaf has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.49141 of 2022 dated 19.01.2023. It is pointed out that petitioner not put on T.I.P. as yet. It is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. While concluding argument, it is submitted that one of the reasons for implication of this petitioner with present case is the suspicion arising out of his criminal antecedents, as he found involved in nine more criminal cases of almost similar nature, where in maximum of the cases, his



name transpired on the basis of confessional statement of apprehended co-accused, as of present case, having no evidentiary value under the law and moreover in all nine cases, he is on bail.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as save and except suspicion arising out of confessional statement of co-accused, nothing *prima facie* incriminating material recovered during the course of investigation as to connect petitioner with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 10.09.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sadar, Sitamarhi in connection with Bela P.S. Case No.113 of 2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short



‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik
Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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