

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21926 of 2025

Arising Out of PS. Case No.-222 Year-2024 Thana- JALE District- Darbhanga

Istiyak Nadaf @ Md. Isteyak, Son of Harun Nadaf, Resident of Village-
Malhi, Ward 13, Police Station -Bathnaha, District -Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Jalley P.S. Case No.222 of 2024 registered under
Sections 310(2) and 311 of the Bhartiya Nyaya Sanhita,
2023 (in short 'B.N.S.').

3. The accused/petitioner is not named in the FIR
and is in custody since 07.12.2024.

4. Allegation against the petitioner is to commit
dacoity along with other unknown co-accused persons and
while committing so, looted cash of Rs.45,000/- and other
gold jewelries.

5. It is submitted by learned counsel appearing for



the petitioner that petitioner remanded in present case on the basis of his self-statement while he was apprehended in Sitamarhi P.S. Case No.139 of 2023. It is submitted that the petitioner has not put on T.I.P. as yet and no looted material has been recovered from his possession during the course of investigation as to suggest his involvement *prima facie* with present occurrence of dacoity in jewellery shop. It is pointed out that implication of this petitioner is also arising out of suspicion from the fact that he said to be accused of 14 criminal cases, where in maximum cases, his name transpired either on the basis of suspicion/self-confession or confession of co-accused persons, having otherwise no evidentiary value under law. It is pointed out that the police atrocities can be gathered from the fact that after present case, the petitioner has been implicated with three more cases in succession. In this context, it is further submitted by learned counsel that if the merit of this case otherwise appears in favour of petitioner ordinarily, his bail should not be declined and in support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar**



Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648].

While concluding argument, 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.

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 surfaced during investigation as to connect petitioner *prima facie* with present occurrence of dacoity, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 07.12.2024, 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 Additional Chief Judicial Magistrate-I, Darbhanga in connection with Jalley P.S. Case No.222 of 2024, 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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