

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45760 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- JALE District- Darbhanga

Gulab Nadaf S/O Lal Babu Nadaf R/O Village- Bhalhi, PS- Bathnaha, Distt-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2025 Heard learned counsel appearing on behalf of the

petitioner and Mr. Parmanand Kumar, learned A.P.P. for the

State.

2. The accused/petitioner seeks bail in connection
with Jale P.S. Case No. 200 of 2024 registered for the
offences under Sections 310(2), 311 of the Bhartiya Nyay
Sanhita, 2023 (in short, the 'B.N.S.').

3. The accused/petitioner is named in the First
Information Report and is in custody since 23.01.2025.

4. Allegation against the petitioner is to commit
dacoity and while committing so, looted cash of Rs. 45,000/-
and golden jewellery from the house of the informant along



with other accused persons.

5. It is submitted by learned counsel appearing on behalf of the petitioner that name of the petitioner transpired during investigation only on the basis of confessional statement of co-accused persons namely, Ishtiyak Nadaf and Vikhari Thakur, in furtherance of which, no incriminating material recovered/surfaced from the possession of this petitioner as to connect him *prima facie* with the present crime in question.

6. It is submitted that petitioner was not put on T.I.P. It is pointed out that one of the reason for implication of this petitioner with the present crime in question is suspicion arising out of his criminal antecedents as he found involved in twelve more criminal cases, where in maximum of cases his name transpired on the basis of confessional statement as of present case, otherwise there is no evidentiary value under the law.

7. It is submitted that if the merit of this case appears otherwise in favour of the petitioner mere on the ground of his criminal antecedents, prayer of bail of this



petitioner should not be denied. Learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

8. While concluding argument, it is submitted that investigation of this case is already completed, charge sheet has been submitted and as such, there is no chance of tampering with the evidence.

9. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

10. In view of aforesaid submission and by taking note of the fact that as except suspicion arising out of confessional statement of co-accused persons, nothing *prima facie* appears incriminating against the petitioner as to connect him in the present crime in question, coupled with the fact that petitioner remains in custody since 23.01.2025, 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 A.C.J.M.-I, Darbhanga, in



connection with Jale P.S. Case No. 200 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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