

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52486 of 2025

Arising Out of PS. Case No.-201 Year-2024 Thana- JALE District- Darbhanga

Istiyak Nadaf @ Md. Isatiyak S/o Harun Nadar Resident of Village- Malhi,
Ward 13, Police Station- Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 12-08-2025

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

2. The petitioner seeks bail in connection with Jale
P.S. Case No. 201 of 2024 dated 29.10.2024 registered for
the offence punishable under Sections 331(4) and 305 of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that unknown
thieves committed theft at the informant's house on the
night of 26.10.2024 by breaking the main gate lock. Upon
returning from Siliguri, the informant found household
items scattered and cash, silver coins and lamps missing.

4. Learned Counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. It is submitted that the F.I.R. has been lodged against unknown accused persons. It is submitted that the petitioner is not named in the F.I.R.. Only on the basis of suspicion and on the basis of self-confessional statement, the petitioner has been made accused in this case. It is submitted that nothing has been recovered either from the conscious possession of the petitioner or from his house. It is further submitted that incriminating articles and ornaments were recovered from the possession of co-accused Bhikhari Thakur. It is also submitted that till date no T.I.P. has been conducted in this case. Further, it is submitted that the petitioner has been made accused only because of his past criminal antecedents. Lastly, it has been submitted that the petitioner is in custody since 07.12.2024, having 14 criminal criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the



parties, let the petitioner be released on bail after framing of charge, if not already framed upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist, Darbhanga in connection with Jale P.S. Case No. 201 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

5. The petitioner within two weeks of his release from custody shall appear before the S.H.O.



of his local area alongwith a copy of this order and shall appear every fortnightly to mark his attendance till the framing of charge in this case.

(Khatim Reza, J)

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