

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4555 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- JAYNAGAR District- Madhubani

Md. Riyaj Nadaf S/O Md. Firoj Nadaf @ Md. Firoj R/O Village- Meena
Bazar Tharahesari, Ward No. 9, P.S- Town, Distt.- Madhubnai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi W/O Late Ram Lakhan Safi R/O Village- Khajauli, Gawhat
Ward No. 2, P.S- Khajauli, Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gagandeo Yadav, Adv. Mr. Rajesh Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Adv.
For the Informant	:	Mr. Sanjay Kr. Jha, Adv. Mr. Anant Kumar Bhaskar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 23-01-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. The instant appeal has been filed by the appellant
against the order dated 05.09.2024 passed by learned Additional
Sessions Judge, 1st cum Special Judge, Madhubani whereby the
prayer for bail of the appellant in connection with Jaynagar P.S.
Case No. 216 of 2024 under Sections 103(1)/3(5) of the B.N.S.
and Section 25(1-b)a/26/27 of the Arms Act and Sections 3(i)
(r)/3(2)(va) of the SC/ST Act, was rejected.

3. As per prosecution case, the accusation against the



accused persons including the petitioner is of committing murder of the Informant's husband by firing.

4. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant submits that the appellant is not named in the F.I.R. and has also not been put on T.I. Parade. He further submits that nothing incriminating has been recovered from the conscious possession of the appellant and from his house. The name of the appellant has surfaced in this case on the basis of the confessional statement of the co-accused Neelam Devi. From perusal of the confessional statement of the co-accused Neelam Devi, it appears that there is not no specific or direct allegation of any overt act against the appellant rather the same is general and omnibus in nature. The specific allegation of firing is against co-accused Md. Mahbub who has also confessed his guilt of firing upon the deceased. The appellant has no concern with the alleged occurrence or with the co-accused persons. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 28.07.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant



have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the appellant as also there being no direct allegation of any overt act against the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 05.09.2024 passed by learned Additional Sessions Judge, 1st cum Special Judge, Madhubani is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jaynagar P.S. Case No. 216 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

