

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83149 of 2025

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

Tanveer Shekh Son of Sabir Shekh Resident of Village - Betaha, Police
Station - Parihar(Bela), District – Sitamarhi. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 86889 of 2025

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

Gulab Nadaf S/o- Lalbabu Nadaf R/o Village- Bhalhi, PS- Bathnaha Distt-
Sitamarhi. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 88197 of 2025

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

Riyaz @ Vishal, Son of Vijay Prasad Sah Resident of Village Matleshwar,
P.S.- Tarapatti, District - Dhanusha (Nepal), At present resident at H/O Ishrail
Mansuri, village Koiriya Pipra, P.S.- Parihar, District - Sitamarhi...
-----Petitioner/s

Versus
The State of Bihar. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 83149 of 2025)
For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP
(In CRIMINAL MISCELLANEOUS No. 86889 of 2025)
For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Ms.Pushpa Sinha, APP
(In CRIMINAL MISCELLANEOUS No. 88197 of 2025)
For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-02-2026 **Cr. Misc. No. 83149 of 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 23.01.2025.

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 name of petitioner in present occurrence transpired on the basis of confessional statement of co-accused, namely, Istiyak Nadaf, who has already granted bail by this Hon'ble Court though Cr. Misc. No. 21926 of 2025 dated 22.08.2025. 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 06 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. 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 23.01.2025, 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').

Cr. Misc. No. 86889 of 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 18.03.2025.

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 name of petitioner in present occurrence transpired on the basis of confessional statement of co-accused, namely, Istiyak Nadaf, who has already granted bail by this Hon'ble Court



though Cr. Misc. No. 21926 of 2025 dated 22.08.2025. 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 12 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. 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.

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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 18.03.2025, 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').

Cr. Misc. No. 88197 of 2025

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5. It is submitted by learned counsel appearing for the petitioner that name of petitioner in present occurrence transpired on the basis of confessional statement of co-accused, namely, Istiyak Nadaf, who has already granted bail by this Hon'ble Court though Cr. Misc. No. 21926 of 2025 dated 22.08.2025. 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 3 criminal cases. 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.

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(Chandra Shekhar Jha, J)

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