

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.41198 of 2024**

Arising Out of PS. Case No.-698 Year-2023 Thana- DARBHANGA SADAR District-  
Darbhanga

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Md. Shahmad Son Of Late Hasibur Rahman @ Hasivur Rahman Resident Of  
Village - Bhairapatti Milki, P.S. - Bahadurpur, District - Darbhanga

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Saurav Anand, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      13-06-2024                      Heard learned counsel appearing on behalf of the  
  
petitioner and Mr. Sanjay Kumar Tiwary, learned A.P.P. for  
  
the State.

**2.** Petitioner seeks bail in connection with Sadar  
  
P.S. Case No. 698 of 2023 registered for the offence under  
  
Section 394 of the Indian Penal Code and Section 27 of the  
  
Arms Act.

**3.** The petitioner is not named in the First  
  
Information Report and is in custody since 26.12.2023.

**4.** Allegation against the petitioner is to commit  
  
robbery with other co-accused persons and while committing  
  
so, looted cash of Rs. 93,200/- and two mobile phones



which belongs to the informant.

**5.** It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has been falsely implicated with this case on the ground of suspicion when his mobile phone, which was given to repairing shop, was mis-used by some unknown persons after inserting the looted SIM for once and on the basis of said fact, he was apprehended with the present case. It is submitted that neither the SIM nor the mobile phone was recovered from his physical possession rather it was recovered from the said mobile repairing shop. It is submitted that mobile handset belonged to this petitioner and it was not looted one. While concluding argument, learned counsel submits that petitioner has got one criminal antecedent in which he is on bail, and, moreover, investigation of this case is completed, charge-sheet has already submitted, and as such, there is no chance of tampering with the evidence.

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

**7.** In view of the aforesaid factual submission and



by taking note of the fact as alleged looted SIM not appears to be recovered from the possession of the petitioner which is the basis of implication *qua* petitioner, where petitioner is in custody since 26.12.2023 coupled with the fact that investigation of this case has already completed, accordingly, above-named petitioner is directed to be released on bail in connection with Sadar P.S. Case No. 698 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M. Darbhanga, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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