

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64611 of 2024**

Arising Out of PS. Case No.-415 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Samim Ahmad S/O Muslim Miyan R/O Village- Isiyan, P.S- Chainpur, Distt.-  
Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Prasad  
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      18-10-2024                      Heard the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Bhabua @ Bhabhua (Sonhan) P.S. Case No. 415 of 2024 registered for the offences punishable under Sections 395 and 412 of the Indian Penal Code.

3. Based upon the fardbeyan of the informant, it is alleged that the vehicle of the informant was booked by a person, in order to carry wheat. While the vehicle was on its way, in the meantime, two persons sat on the front side and two persons on back side of the vehicle and when the vehicle reached near Bahuawan bridge, the persons who were sitting in front side, asked the informant to stop the vehicle, thereupon after putting a pistol upon his temple they snatched the key and fled away with the vehicle. It is further alleged that in the



meantime a person was coming on a motorcycle, the informant asked for help and chased his vehicle. Later on, he came to know that his vehicle has dashed two persons and the villagers apprehended all the five persons and handed over to the police. The informant identified all the persons, including the petitioner.

4. Learned Advocate for the petitioner contended that in fact no such occurrence, as alleged, has taken place and on account of an accident the villagers apprehended the petitioner and his friends and handed over to the police by making a case of loot of vehicle. It is further contended that from the narrations made in the FIR it would appear that the accused persons were having pistol in their hands but surprisingly when the petitioner and others were apprehended by the police, there is no recovery of any arms and, as such, the entire prosecution belies. It is further contended that one of the co-accused person, namely, Raju Ali having identical allegation has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 70033 of 2024 vide order dated 03.10.2024. It is lastly contended that though the petitioner is having three criminal antecedents but two of them relates to the offence under the penal provision of Indian Forest Act and the Prevention of Cruelty to Animals Act.



So far as the third case is concerned, in the said case the petitioner has been remanded after being apprehended in the present case. Now the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was caught red handed while fleeing away with the looted vehicle.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and charge-sheet has been submitted, coupled with the fact that co-accused person having identical allegation has been allowed the privilege of regular bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur, Bhabhua in connection with Bhabua @ Bhabhua (Sonhan) P.S. Case No. 415 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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