

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4094 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- BHAWANIPUR District- Purnia

Shamsher Alam @ Shamsad @ Fotwa S/o Abdul Bari R/o vill - Sagunia, P.S.
- Dhoraiya, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Bhawanipur P.S. Case No. 162 of 2024 dated 07.09.2024 registered for the offence punishable under Section 309(6) of the Indian Penal Code.

3. The prosecution case, in short, is that on the date of occurrence when the informant was returning home, in the meantime, at about 6:15 pm three persons came on one black coloured Super Splendor motorcycle and hit the motorcycle of the informant due to which he fell down with his motorcycle and one persons started beating him with three nut pistol and snatched his bag carrying Rs. 15,000/- cash, thumb impression machine, one mobile phone etc and fled away with the motorcycle.

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 three



unknown persons. It is submitted that the petitioner is not named in the F.I.R.. Only on the basis of confessional statement of one Mustafa, the petitioner has been made accused in this case. It is submitted that the looted mobile was recovered from the possession of Mustafa and on the confession of Salman looted motorcycle was recovered from the door of one accused Imroj Seikh. It is further submitted that nothing has been recovered from the possession of the petitioner rather the said articles have been recovered from the aforesaid co-accused persons. Lastly, it has been submitted that the petitioner is in custody since 27.09.2024, having no criminal antecedent 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 upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with Bhawanipur P.S. Case No. 162 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.

(Khatim Reza, J)

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