

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4924 of 2025

Arising Out of PS. Case No.-367 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Md. Kalam S/o Nadir Miyan Resident of Village- Hayatpur, P.S.- G.B.Nagar,
Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Advocate Mr. Ajay Kumar Pandey, Advocate Ms. Shyama Rani, Advocate Mr. Alexender Ashok, Advocate
For the Informant	:	Mr. Raghav Prasad, Advocate Ms. Urmila Kumar, Advocate
For the State	:	Ms. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 16-05-2025 Heard Mr. D.K. Sinha, the learned senior counsel

appearing on behalf of the petitioner, Mr. Raghav Prasad, the

learned counsel for the Informant and Ms. Renu Kumari the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with

G.B. Nagar P.S. Case No. 367 of 2024, registered for the

offences punishable under Sections 309(6) B.N.S. and 27 of

Arms Act. Petitioner has four criminal antecedents.

3. As per the prosecution case, the informant has

stated that after closing the ornament shop while he was going

home, some miscreants variously armed resorted to firing which



hit the son of the informant, resulting in multiple firearm injury. Subsequently, it has been alleged that the accused persons looted around Rs. 3 lakhs along with the keys of the locker and utensils worth Rs. 5 lakh and gold ornaments.

4. The learned Senior counsel for the petitioner submits that the FIR was registered against unknown and the petitioner has falsely been implicated in the present case and his name has surfaced in the confessional statement of one Kanchan Kumar and subsequently two other co-accused persons namely Niranjana and Pappu had also named the petitioner as an accomplice. The learned Senior counsel has pointed out that no incriminating material has been recovered from the conscious possession of the petitioner and barring the confessional statement of the co-accused persons, there is nothing to connect the petitioner with the alleged crime. It has also been stated that till date no T.I.P. has been conducted in order to identify the petitioner to be involved in the present case. The learned Senior counsel has stated that the petitioner was taken on remand in the present case on 18.07.2024, though in paragraph 3 it has been stated that he has four criminal antecedents and he is on bail in all the four cases. The learned senior counsel also submits that the co-accused, namely Kanchan Kumar Prasad has already



been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 09.04.2025, passed in Criminal Misc. No. 1052 of 2025

5. The learned counsel for the informant has vehemently opposed the prayer for bail and has stated that during the course of investigation, the co-accused person in their confessional statement has admitted the involvement of the petitioner in the alleged crime and he has been stated to be the person who was keeping a watch on the informant and others when the incident had occurred. The learned counsel for the informant has also pointed out that the petitioner has criminal antecedents and he is involved in similar kind of offences and in the present case also even during his incarceration, he has been threatening the informant and his family member, calling from the jail and the said fact was submitted before the learned Court below which was even inquired by the police and was found true, hence the petitioner does not deserve the liberty of bail.

6. The learned A.P.P. for the State has supported the argument forwarded by the learned counsel for the informant.

7. Considering the aforesaid submissions made by the respective parties and taking into account the fact that the petitioner was not named in the FIR and his name has surfaced



in the confessional statement of co-accused person and no specific over act has been attributed to the petitioner and no incriminating article has been recovered from the conscious possession of the petitioner and looking at the period of custody of the petitioner and also that similarly situated co-accused person has already been granted bail by a Co-ordinate Bench of this Court vide order dated 09.04.2025, passed in Criminal Misc. No. 1052 of 2025, I am inclined to grant the petitioner privilege of regular bail.

8. Accordingly, the prayer for bail is allowed.

9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned A.C.J.M. IV, Siwan, in connection wit G.B. Ngar P.S. Case No. 367 of 2024, subject to the following conditions:-

(i) If the petitioner is found to have to influence the witness or the informant or his family member, the prosecution shall be at liberty to move the learned court below for cancellation of his bail.

(ii) If, the petitioner involvement is found in similar nature of offence in the future, the prosecution will be at liberty to move for cancellation of their bail bonds.



(iii) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(iv) The petitioner shall remain physically present in Court on each date of the trial.

(v) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(vi) And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vii) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Patna within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the



court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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