

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7937 of 2025

Arising Out of PS. Case No.-1191 Year-2023 Thana- ARARIA District- Araria

Md. Samim @ Samim @ Sultan Son of Late Md. Ilyas Resident of village -
Chandardei, Ps- Araria R.S. Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Araria P.S. Case No. 1191 of 2023, registered for the offences under Sections 457, 380 and 511/34 of the Indian Penal Code and Sections 25(1-B)(a), 26 and 35 of the Arms Act.

03. As per prosecution case, some unknown miscreants tried to commit theft in the house of the informant who woke up and raised alarm. The thieves started fleeing away and one of them was apprehended by the villagers, who is the petitioner of the present case. From his possession, a country made *katta* with two live cartridges, one iron *khunti* (iron equipment) and a mobile phone were recovered. The petitioner disclosed the name of co-accused, Md. Samad, who fled away



from the spot.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place at 01:30 AM in the night but the police was informed at 08:30 AM in the morning. No stolen article was recovered from the possession of the petitioner and hence, no case under Sections 380 and 511 of IPC is made out against the petitioner. The petitioner is in custody since 16.12.2023 and charge-sheet has been submitted. The petitioner is having antecedent of five cases and he is on bail in those cases.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner is habitual offender and is accused in altogether five cases of serious nature.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class,



Araria/court concerned in connection with Araria P.S. Case No. 1191 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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