

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9306 of 2025

Arising Out of PS. Case No.-4 Year-2024 Thana- HUSSAINGANJ District- Siwan

Sahib Ali, (M), aged about 21 years, S/o- Subarati Mian, Resident of Village-
Habibnagar, PS-Hussainganj, Dist- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party : Mr. Prem Kumar Jha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Hussainganj P.S. Case No. 04 of 2024 dated 04.01.2024
registered for the offences punishable under Sections 399, 402,
414 of the I.P.C., Sections 25(1-B)a, 26 and 35 of the Arms Act
and Section 8(c) and 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, one loaded country
made katta alongwith one live cartridge, one mobile, 06 pudia
smack like substance and Rs. 44270/- in cash were recovered
from the possession of the petitioner.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the mobile and cash of Rs. 44,270/- was of the petitioner. It is further submitted that a false allegation has been made that 06 pudia smack like substance has been recovered. The weight of the smack is not confirmed in the seizure list as per the F.I.R., so, the presumption would be that the smack is less than small quantity. No arms has been recovered from the possession of the petitioner. He has no concern with the alleged offence. It is submitted that the other co-accused person, namely, Arjun Singh, has already been granted bail by a Bench of this Court vide Cr. Misc. No. 42040 of 2024 under order dated 24.06.2024. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 05.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Siwan in connection with Hussainganj P.S. Case No. 04 of 2024 with further condition:-



(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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