

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20486 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- MAJORGANJ District- Sitamarhi

1. Md Ibrahim @ Ibrahim Mansoori, male, aged about 45 years, S/O Md. Ismaiyl @ Ismail Mansoori, resident of village- Basbitta, Ward no.- 12, P.S- Majorganj, District- Sitamarhi
2. Md. Sadre Alam @ Sadre Alam, male, aged about 30 years, S/O Takir Husain @ Takir Husain Shah @ Tahir Hussain Sha @ Tahir Hussain Shah, resident of Village- Raghunathpur, Ward No.- 9, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Majorganj PS Case No.156 of 2024 dated 02.05.2024, instituted under Sections 399, 402, 414, 333, 353, 307 of the Indian Penal Code, Sections 25(1-B)a, 26, 27 and 35 of the Arms Act and Sections 8, 20(b)(ii)C of the Narcotic Drugs and Psychotropic Substances Act.

3. The prosecution case, in brief, is that on the alleged date of occurrence the informant, who is a Police Officer, got secret information about the presence of miscreant Shyam



Pandey with other miscreants in the bamboo clump and he proceeded for the place of occurrence. On seeing the police force, three persons fled away and two persons started firing on the police force. Accused Shyam Pandey was apprehended and he disclosed the name of other persons including the petitioners, who managed to flee away. On search, a pistol with live cartridges, cash, mobiles phones were recovered from the possession of apprehended accused Shyam Pandey. It is also alleged that 1200 grms. *Charas* like substance was recovered from a plastic bag which was hanging on the handle of the motorcycle bearing registration no. BR 05H 756. Accordingly, seizure list was prepared and formal FIR was drawn.

4. Learned counsel for the petitioners submits that the petitioners have been made accused only on the basis of confessional statement of apprehended accused Shyam Pandey, who was apprehended at the spot. It is further alleged that from the place of occurrence 1200 grms. *Charas* like substance was recovered from a plastic hanging on the handle of the motorcycle bearing registration no. BR 05H 7567 apart from a country made pistol from the possession of Shyam Pandey. It is further submitted that nothing has been recovered either from conscious possession or from the house of the petitioners.



Learned counsel further submits that except confessional statement of the apprehended accused there is no material available in the case diary. Further submission is that the prayer of the petitioner for anticipatory bail has been rejected by the learned Court below only because the petitioners have criminal antecedents. Lastly, it is submitted that five cases each are pending against both the petitioners.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge cum Special Judge, NDPS Act, Sitamarhi, in Majorganj PS Case No.156 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023, and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below,



(ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their 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, (iv) that if the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that both the petitioners shall appear before the SHO of their local PS within one week from the date of furnishing bail bonds in the Court below along with a copy of this order and thereafter shall appear every fortnightly before the SHO to mark their attendance till the framing of the Charge in the trial Court.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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