

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18435 of 2025

Arising Out of PS. Case No.-105 Year-2024 Thana- MATIYARIA District- West Champaran

Saheb Miya S/O Saikul Miyan @ Harun Miya Resident of Vill.- Lachhanauta,
P.S.-Matiyariya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 19406 of 2025

Arising Out of PS. Case No.-105 Year-2024 Thana- MATIYARIA District- West Champaran

Sarfullah Ansari @ Saifullah Ansari S/O Mokhtar Miyan @ Mokhtar Ansari
R/O Vill.- Lachhnauta, P.S.- Matiyariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18435 of 2025)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 19406 of 2025)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-04-2025 Since both the applications arise out of Matiyariya

P.S. Case No. 105 of 2024, as such, they have been taken up

together and are being disposed of by this common order.

02. Heard the learned counsels for the petitioners and

learned APPs for the State.

03. In the present case(s), the petitioners seek bail in

connection with Matiyariya P.S. Case No. 105 of 2024 (Sessions



Trial No. 721 of 2024) registered for the alleged offences under Sections 109/309(4) of Bharatiya Nyaya Sanhita, 2023 and Sections 27 of the Arms Act.

04. As per prosecution case, while the informant had been returning to his home on his motorcycle from his workplace, two persons signaled the informant to stop and when he did not stop, one of the miscreants fired upon him and the shot hit his left hand and the informant fell down from his motorcycle. Thereafter, the third miscreant reached there on another motorcycle. The persons holding the pistol snatched the bag of the informant containing Pan Card, Aadhar Card, keys of safe of the bank and the bunch of keys apart from mobile phone of the informant. The name of the petitioners transpired during investigation for being involved in the aforesaid occurrence.

05. Learned counsel for the petitioner-Saheb Miya submits that the petitioner is innocent and has been falsely implicated in this case. The name of petitioner transpired during investigation in his inculpatory confessional statement for being involved in the said occurrence. From the inculpatory statement of the petitioner, it appears that the petitioner-Saifullah Ansari and Ajim Ansari are the main accused persons of this case. Learned counsel further submits that no stolen property was



recovered from the possession of this petitioner and till date the petitioner has not been put to any Test Identification Parade. The charges has been framed against the petitioner. The petitioner is custody since 25.09.2024 and he is having clean antecedent.

06. Learned counsel for the petitioner-Saifullah Ansari submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that no cash amount was looted from the informant or from any other person. The petitioner has been named in this case on the basis of confessional statement of co-accused-petitioner-Saheb Miya and nothing incriminating has been recovered from the persons or possession of this petitioner. The petitioner has not been put to any Test Identification Parade and no arms and ammunition has been recovered from the petitioner's possession. The charges has been framed against the petitioner. The petitioner is custody since 01.10.2024 and he is having clean antecedent.

07. Learned APPs for the State oppose the submission made on behalf of the petitioners. Learned APPs submit that at the instance of petitioner-Saheb Miya, recovery of firearms and ammunition was made.

08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



period of custody of the petitioners and their clean antecedent and also considering the framing of charge against the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-XI, Bettiah, West Champaran/court concerned in connection with Sessions Trial Case No. 721 of 2024 arising out of Matiyariya P.S. Case No. 105 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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