

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20732 of 2025

Arising Out of PS. Case No.-515 Year-2018 Thana- CHANPATIA District- West Champaran

Ashraf Sai @ Ambuj Sai @ Ashraf Saina Ambuj S/o Mahmood Sai Resident
of Village- Bishambharpur, Ward No. 05, P.S.- Majhauria, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-08-2025 Heard Mr. Sharad Kumar Verma, learned counsel for
the petitioner and Mr. Jai Narain Thakur, learned APP for the
State.

2. Petitioner seeks bail, who is in custody since
01.10.2024, in connection with Chanpatia P.S. F.I.R. No. 515 of
2018, F.I.R. dated 17.12.2018 registered for the offences
punishable under Sections 341, 342, 323, 307, 387, 504, 506/34 of
the Indian Penal Code, Section 27 of the Arms Act and later on
Sections 302, 120B of the Indian Penal Code were added.

3. Prosecution case, in brief, is that on 17.12.2018 at
about 09:00 A.M.. while the informant was going with his father
on motorcycle and reached at Siswaniya School, six persons came
on motorcycle and surrounded the informant. It is further alleged
that the accused persons surrounded the informant and his father



and started abusing them, saying that the father of the informant refused to pay extortion money. Accused Diwakar Pathak and Navin Pathak gave order to kill the father of the informant and started pulling his father. It is further alleged that accused Vinay Pathak opened fire on the father of the informant and fled away.

4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Vinay Pathak and nothing has been recovered from the conscious possession of the petitioner. From perusal of the F.I.R. it appears that there is no accusation against the petitioner in the F.I.R. and the accusation is against other co-accused person and except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated co-accused person Naveen Barnwal has been granted bail by a Coordinate Bench of this Court vide order dated 09.05.2019 passed in Cr. Misc. No. 30622 of 2019, another co-accused person namely Anand Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 19.07.2019 passed in Cr. Misc. No. 35301 of 2019, another co-accused person namely Tabrej Alam has been granted bail by this Court vide order dated



25.01.2022 passed in Cr. Misc. No. 25812 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.10.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded in which he has stated that the petitioner was involved in the present crime in question and apart from that the petitioner carries four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of four cases, the petitioner is on bail in two cases .

6. Considering the facts and circumstances of the case and the fact that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person as well as similarly situated co-accused persons have been granted bail by a Coordinate Bench of this Court or by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Chanpatia P.S. F.I.R. No. 515 of 2018, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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