

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23137 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- DUMARIAGHAT District- East
Champaran

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Md. Ali Akhtar S/o Shekh Amin @ S .K Amin R/o Village- Madhopur
Katharia, Ganaripur, Ward No.2, P.S.- Turkauliya, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the State : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-07-2025 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Arun Kumar Pandey, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
04.11.2024 in connection with Dumariyaghat P.S. Case No. 268 of
2024, F.I.R. dated 02.11.2024 for the offences punishable under
Section 310(2) of the BNS, 2023.

3. According to prosecution case, the petitioner along
with other co-accused persons is said to have looted green chilli
along with vehicle and taken away towards Kesariya side along
with the informant and pillion rider and later on they released them
near the area of Kesariya.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been implicated
in the present case. He further submits that the petitioner is not



named in the FIR and name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Mohammad Harun Akhtar. He further submits that chilli in question has been recovered from the pick-up van which was standing near the house of the petitioner and apart from that, till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Sunil Sah @ Sunil Prasad @ Sunil Prasad Sah whose name was transpired in the present case on the basis of confessional statement of the co-accused person, has been granted regular bail by this Court vide order dated 05.02.2025 passed in Cr. Misc. No. 302 of 2025. The petitioner is in custody since 04.11.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that chilli in question has been recovered near the house of the petitioner which suggests that the petitioner is involved in the present occurrence.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and name of the petitioner has been transpired on the basis of disclosure made by co-accused person and also considering the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Judicial Magistrate-I Class, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 268 of 2024, subject to the following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 antecedent, 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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