

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24752 of 2025

Arising Out of PS. Case No.-74 Year-2024 Thana- BALTHAR District- West Champaran

Mohammad Shamshad @ Mohammad Shamshad Alam @ Md Shamshad S/O
Shek Hasnain Resident of Village-Tumkaria, P.S- Shikharpur, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Advocate
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 04-07-2025 Heard Mr. Vatsal Verma, learned counsel for the
petitioner, Mr. Nityanand Tiwary, learned APP for the State and
perused the case diary.

2. The petitioner seeks bail in connection with Balthar
P.S. Case No. 74 of 2024, instituted for the offences punishable
under Section 309(4) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, three
unknown miscreants accosted the petitioner while he was
driving alone, hurled abuses, assaulted him and fled away by
taking his mobile phone.

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



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Nadeem Sarwar and Pintu Kumar and the same has got no evidentiary value. It is next submitted that no specific allegation has been attributed against the petitioner. Neither any recovery of looted articles have been made from the possession of the petitioner nor any T.I. parade has been conducted in this case. The petitioner is in custody since 28.02.2025 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 11.04.2025 passed in Cr. Misc. No. 13406 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Balthar P.S. Case No. 74 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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