

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26223 of 2025

Arising Out of PS. Case No.-385 Year-2024 Thana- POTHIYA District- Kishanganj

Md. Yunus @ Yusuf Son of Lzabul Haque Resident of Village- Fulhara, P.S.-
Pothiya, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

ORAL ORDER

3 30-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Pothia
P.S. Case No. 385 of 2024 instituted for the offence under
Sections 309(6) of the Bharatiya Nyaya Sanhita, 2023 and
Section 25(1-B)a of the Arms Act.

3. As per prosecution case, while the informant had
been returning from *Hatiya* on the motorcycle after collecting
money earned from selling cattle, when two unknown
miscreants on gun point snatched his bag containing Rs.
5,90,000/-.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 20-12-2024. Petitioner



bears thirteen criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired during investigation. Nothing has been recovered from the possession of the petitioner. So far as alleged recovery of Rs. 71,500/- and motorcycle from the petitioner is concerned, it is submitted that the same belongs to the petitioner. Petitioner was not even put on T.I. Parade. Police after completion of investigation has submitted charge sheet in this case. Other co-accused have been granted bail by this Court vide order dated 17-07-2025, passed in Cr. Misc. No. 44203 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Pothia P.S. Case No. 385 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner shall not leave the territorial jurisdiction of the Court below without its prior permission.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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