

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24733 of 2025

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

Nagi @ Rashid @ Rasik Alam Late Samshul @ Shamsul Haque @ Samshul
Village- Milikbasti Ps- Pothia Dist- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 24836 of 2025

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

Md Saidul @ Saidul S/O Late Md Ismaile R/O Village- Bholagachh, P.S-
Pothia, Distt.- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :
(In CRIMINAL MISCELLANEOUS No. 24733 of 2025)
For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP
(In CRIMINAL MISCELLANEOUS No. 24836 of 2025)
For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-04-2025 Since both the applications arise out of from Pothia
P.S. Case No. 385 of 2024, as such, they have been taken up
together and are being disposed of by this common order.

02. Heard learned counsel for the petitioners and
learned APP for the State.

03. In the present case, the petitioners seek bail in



connection with Pothia P.S. Case No. 385 of 2024 registered for the alleged offences under Sections 309(6) of Bharatiya Nyaya Sanhita, 2023 and Section 25(1-b)a of Arms Act.

04. As per prosecution case, while the informant had been returning from *Hatiya* on his motorcycle after collecting money earned from selling cattle, two unknown miscreants on gunpoint snatched his bag containing Rs. 5,90,000/-. The name of petitioners transpired during investigation for being involved in the said occurrence.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no tangible material against the petitioner to show their involvement in the alleged occurrence. The names of the petitioners transpired during investigation in the confessional statement of co-accused persons. Apart from that, there is no other incriminating circumstances against the petitioner. Learned counsel further submits that from the petitioner-Nagi @ Rashid @ Rasik Alam, recovery of Rs. 20,000/- was shown but the said money was withdrawn by the wife of this petitioner on 30.01.2025. The petitioner Md. Saidul has been made accused for the reason that he called on the mobile phone of the informant repeatedly. This petitioner is



cattle trader and wanted to purchase the cattle from the informant and for this reason, he has been calling him but he has also been arraigned as accused. The petitioners are in custody since 06.02.2025. The petitioner- Nagi @ Rashid @ Rasik Alam is having clean antecedent whereas petitioner Md. Saidul is having antecedent of one case in which he is on bail.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the period of custody of 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 Chief Judicial Magistrate, Kishanganj/court concerned in connection with Pothia P.S. Case No. 385 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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