

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26410 of 2025

Arising Out of PS. Case No.-1191 Year-2024 Thana- PHULWARISHARIF District- Patna

Md. Tahmid @ Simmee Son of Late Md. Kaish R/O Village- Lal Miyan Ki
Dargah, Munir Colony, P.S.- Phulwari Sharif, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Phulwari Sharif P.S. Case No. 1191 of 2024, instituted for the offences punishable under Sections 109, 308(3), 352, 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that on 16.08.2024, three miscreants on a motorcycle fired 9-10 rounds in the air near Durga Mandir and threatened shopkeepers to shut their shops. One miscreant was referred to as “Nishu” during the incident. Police recovered three bullet cartridges from the spot.

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 there is no specific allegation against the petitioner. No persons have sustained any injury and as such, no offence is made out under Section 109 of the BNS. It is evident from the FIR that there is no specific allegation of extortion against any accused person. The petitioner is in custody since 16.10.2024 and has got eleven criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 16.07.2025 passed in Cr. Misc. No. 21620 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 ***after framing of charge, if not already framed*** 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 Phulwari Sharif P.S. Case No. 1191 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.

(Rudra Prakash Mishra, J)

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