

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26306 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- BHAWANIPUR District- Purnia

1. MD. MUSTAFA Son of Md. Shahab Resident of village - Gulabi Bag Lane Sakrullachak, P.S.- Mojahidpur, District - Bhagalpur.
2. Md. Salman Son of Md. Kalim Resident of village - Sanhaoula, P.S.- Sanhaoula, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-05-2025 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Bhawanipur P.S. Case No. 162 of 2024, registered for the offences punishable under Sections 309(6) of Bhartiya Nyaya Sanhita, 2023. Petitioners have clean antecedent.

3. The prosecution story in brief is that informant while he was travelling on his motorcycle, one black colour super splendor motorcycle with three persons on it, first intercepted him by dashing their motorcycle with the informant's and subsequent thereto the miscreants are said to have snatched away the blue colour bag of the informant and



also took Rs. 15,000/- cash and one mobile phone from the back pocket of the informant and thereafter, they all fled.

4. The learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are not named in the FIR. The learned counsel has further submitted that till date no T.I.P. has been done in order to identify the petitioners. The learned counsel next submits that no incriminating article has been recovered from the conscious possession of the petitioners. However, it is stated by the police that the recovery of a motorcycle was made on the confessional statement of the petitioners. The learned counsel also submits that one of the co-accused, namely Shamsheer Alam has been granted bail by a Coordinate Bench of this Court *vide* order dated 12.02.2025, passed in Criminal Misc. No. 4094 of 2025. It has lastly been submitted that petitioners have clean antecedent and they are in custody since 27.09.2024.

5. The learned A.P.P. for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account the fact that there is no incriminating article was recovered from the conscious



possession of the petitioners and till date no T.I.P. has been done and also the fact that one of the co-accused, namely, Shamsheer Alam has been granted bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, 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 the court of learned Chief Judicial Magistrate, Purnia, in connection with Bhawanipur P.S. Case No. 162 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be his close relative and the other shall be local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(iv) 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 petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Sourendra Pandey, J)

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