

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29546 of 2025

Arising Out of PS. Case No.-161 Year-2024 Thana- KOTWALI District- Patna

1. Md Lucky @ Khaliquzzama @ Khalikuzzama S/o Shamim Ahmad Resident of Village- Mahnar, Ward No. 14, P.S.- Near National Dawarkhana, P.S.- Mahar, District- Vaishali, Bihar
2. Faaim Anwar Siddique @ Fahim @ Babar S/o Mohammad Wahid R/o vill - Hardia, P.s- Thawe, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahrukh Shiddiqui, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-08-2025 Heard Mr. Anshul, learned Senior counsel for the
petitioner and the State.

2. The petitioners are in custody in connection with Kotwali P.S. Case No. 161 of 2024 for the offence punishable under Section 394 of the I.P.C. and 27 of the Arms Act lodged on 07.03.2024 by the informant, Ansar Ali Mulla.

3. As per the prosecution story, the informant alleged that he belongs to New Delhi and was in Patna for selling the gold jewellery. The allegation is that on the fateful day, when he reached Shitala Jewelers with his son to deliver the jewellery, a boy using helmet, grabbed him and soon



some more boys arrived, snatched the bag and escaped with the gold jewellery. This led to the FIR.

4. Learned Senior counsel for the petitioners submit that subsequently, during the investigation number of students from Patna University were picked up and from one Raju Patel, there is recovery/seizure of 800 grams gold. So far as these petitioners are concerned, nothing has been recovered from their conscious possession and Raju Patel (Cr. Misc. No. 6302 of 2025), Banti @ Pratik Yadav (Cr. Misc. No. 56205 of 2024) and Sayed Ali Raza Hasmi (Cr. Misc. No. 40939 of 2024) have been extended bail by different Coordinate Benches which is part as annexures to the petition though he concede that the petitioners have criminal antecedent mostly due to the scuffle that takes place between the hostels in which all the students are named and the last submission is that if granted bail, they shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that they have criminal antecedents.

6. Taking into account the submission of the parties as also the fact that they have remained in custody since



18.02.2025/17.03.2025, similar situate persons as also from those from whom recovery were made, have been released on bail by Coordinate Benches and nothing has been recovered from their conscious possession, in that background, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Patna in connection with Kotwali P.S. Case No. 161 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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