

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29101 of 2025

Arising Out of PS. Case No.-423 Year-2024 Thana- BARHARIA District- Siwan

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Dulare @ Ajharuddin Sah @ Md. Ajharuddin S/O Mohammad Nasruddin @
Md. Nasruddin Sah Resident of Village - Nawalpur Badi Takiya, P.S. - Siwan
Town, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the State : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Barharia P.S. Case No. 423 of 2024, dated
07.09.2024, registered for the offences punishable under
Sections 310(4), 310(5) and 3(5) of B.N.S., 2023, Sections
25(1-B)a, 26 and 35 of the Arms Act and Sections 8,20, 21(b)
and 22 of the NDPS Act.

3. As per allegation, seven persons, including the
petitioner were making plan to commit dacoity having arms in
their possession and when police reached there, all the accused
persons fled away except Imteyaz Ali who was arrested and as
per his confessional statement, the petitioner and other co-
accused were present in that unlawful assembly.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the possession of the petitioner and the whole case is based only on suspicion and name of the petitioner has transpired only in the confessional statement of co-accused which has no evidentiary value.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection



with Barharia P.S. Case No. 423 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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