

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38725 of 2025

Arising Out of PS. Case No.-409 Year-2021 Thana- BANKA District- Banka

Md. Guphran S/o- Md. Sahbaj Village- Kharihara Ps- Barahat Dist- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 38731 of 2025

Arising Out of PS. Case No.-409 Year-2021 Thana- BANKA District- Banka

Md. Hasan S/o Md. Jahiruddin R/o Village- Kharihara, P.S.- Barahat, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38725 of 2025)

For the Petitioner/s : Mr.Md.Najmul Hodda, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 38731 of 2025)

For the Petitioner/s : Mr.Md.Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 28-11-2025 Both these applications are being heard together

and disposed of by this common order.

Heard learned counsel appearing on behalf of the

petitioner(s) and learned A.P.P. for the State.

2. The accused/petitioner(s) seeks bail in connection

with Banka P.S. Case No. 409 of 2021 registered for the

offences under Sections 395 & 397 of the Indian Penal Code.



3. Both accused/petitioner(s) are named in the First Information Report and are in custody since 08.04.2025 & 23.01.2025 respectively.

4. As per FIR, on 25.05.2021 at about 1:50 Hours while the informant alongwith one Vikash Shahi being staff of M/s Mahadev Enclave Pvt. Ltd. at Shankarpur Dharmkanta were issuing challans for the trucks carrying sand, in the meantime, 5-6 miscreants covering their face with their mask and equipped with country made pistols entered into the office of the informant and took away cash of Rs. 10 Lakhs, which was kept in two boxes. After committing the offence, miscreants, while fleeing from the place of occurrence, opened fire from their pistol.

5. It is submitted by learned counsel appearing on behalf of the petitioner(s) that name of petitioner(s) transpired on the basis of confessional statement of co-accused Md. Shahrukh, in furtherance of which, no incriminating material recovered/surfaced during course of investigation as to connect the petitioner(s) with the present crime in question. It is submitted that said co-accused Md.



Shahrukh has already been granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 2584 of 2022 dated 10.10.2022, and therefore, on the ground of parity, these petitioner(s) deserve bail.

6. While concluding argument, it is submitted that both petitioner(s) are the men of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner(s).

8. In view of aforesaid factual submission and by taking note of the fact as save and except suspicion arising out of confessional statement of co-accused *prima facie* nothing incriminating appears surfaced during course of investigation to connect the petitioner(s) with the present crime in question, coupled with the fact that petitioner(s), who are men of clean antecedent, remain in custody since 08.04.2025 & 23.01.2025 respectively, where investigation of this case is already completed, accordingly, both above-



named petitioner(s) are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned court, in connection with Banka P.S. Case No. 409 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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