

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39428 of 2025

Arising Out of PS. Case No.-82 Year-2025 Thana- SIWAN CITY District- Siwan

Nasim Alam @ Mahfuj Alam S/O- Mahmud Mansuri Resident of Village-
Sarsar, P.S.- Siwan Mufassil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-07-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Siwan Town Police Station Case No. 82 of 2025, dated 08.02.2025, disclosing offences punishable under Sections 316(2)/303(2) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that on 07.02.2025, bags of wheat were unloaded from the rack and kept on the railway platform. The informant deputed Md. Sahil and Md Samseer for protecting the bags kept on the railway platform. They called one Raj Kishore Sah and all the three persons took away eight bags of wheat through a vehicle, bearing registration no.



BR 29X/6306, of which the petitioner is the owner.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely because he happens to be the owner of the vehicle. The vehicle, in question, is a commercial vehicle, being plied by its driver and the petitioner was not aware about the fact that his vehicle was used by the accused persons for the purpose of transportation of stolen bags of wheat.
5. I have heard learned Counsel for the parties concerned and have gone through the impugned order.
6. The learned 10th District and Additional Sessions Judge, Siwan, has disposed the bail application of the petitioner, bearing A.B.P. No. 1031 of 2025, on 26.05.2025, giving liberty to the petitioner to surrender and seek regular bail on the basis of law laid down by the Hon'ble Supreme Court, in the case of **Satendra Kumar Antil v. CBI and Another**, reported in **(2022) 10 SCC 51**, inasmuch as according to the learned 10th District and Additional Sessions Judge, Siwan, the maximum punishment for the offences alleged against the petitioner is three years and below seven years.
7. Considering the aforesaid, this application is disposed



with liberty to the petitioner to surrender before the concerned Magistrate within a period of three weeks from today and seek regular bail. If the petitioner surrenders, the learned Magistrate will consider his bail application on the basis of law laid down by the Hon’ble Supreme Court, in the cases of **Satendra Kumar Antil** (supra) and **Arnesh Kumar v. The State of Bihar and Another**, reported in **(2014) 8 SCC 273** as well as the decision of this Court, in the cases of **Naushad Ansari v. The State of Bihar** (Criminal Misc. No. 3536 of 2024) and **Asha Baitha v. The State of Bihar** (Criminal Misc. No. 44659 of 2024).

8. This anticipatory bail application is disposed accordingly.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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