

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44233 of 2025

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

Md. Alam S/o Noor Alam R/o Village- Barharia, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Adv.
Mr. Kumar Gaurav, Adv.
Mr. Sheshadri Kumari, Adv.
For the State : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 310(4), 310(5) and 3(5) of the 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. The allegation in the FIR is that 7-8 criminals were making a plan to sell pistol and narcotic substances and upon raid by the police, they started fleeing away while one of them, namely, Imteyaz Ali was apprehended. The said apprehended co-accused disclosed the name of the petitioner along with other co-accused persons who are said to have fled away from the



spot.

4. Learned counsel for the petitioner submits that the entire case is based on suspicion and it would be evident from the FIR that only one person, being Imteyaz Ali, was arrested on the spot and it is only on his disclosure that the name of the petitioner has transpired in this case. It is also submitted that besides the said disclosure, there is no other material collected during the course of investigation in order to connect the petitioner to the present case. Learned counsel for the petitioner also invites the attention of this Court to an order dated 14.05.2025 passed in Cr. Misc. No. 29101 of 2025 whereby one similarly situated co-accused, namely, Dulare @ Ajharuddin Sah has been granted the privilege of anticipatory bail.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has one criminal antecedent.

6. Considering the entire facts and circumstances of the case and also the issue of parity as one of the similarly situated co-accused has already been granted the privilege of anticipatory bail, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above



named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Barhariya P.S. Case No. 423 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the following conditions:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who shall give an affidavit giving genealogy as to how he is related with the petitioner.

(II) The petitioner shall appear before the Investigating Officer of the concerned Police Station at an interval of every 15 days till investigation is pending against him.

(Soni Shrivastava, J)

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