

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41098 of 2025

Arising Out of PS. Case No.-456 Year-2024 Thana- PAKARIBARAW District- Nawada

Md. Afsar S/o Md. Asraf Resident of mohalla - Mirshikar Toli Near Jama Masjid Shershah Road Dhanuki Alamganj PO- Gulzarbagh, PS- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43532 of 2025

Arising Out of PS. Case No.-456 Year-2024 Thana- PAKARIBARAW District- Nawada

Md. Ashad Naseem @ Md. Ashad Nasim S/o Md. Naseem Ahmad @ Md. Nasim R/o Near Masjid Tripoliya Alamganj, PS- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41098 of 2025)

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 43532 of 2025)

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-10-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Pakribarawn P.S. Case No. 456 of 2024 registered for the offence under section 309 (3) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant states that while he was returning carrying Rs. 4.5 Lakhs in cash, three accused persons on a motorcycle dashed against his vehicle as a result of which he fell down. It is thereafter stated that on the



point of countrymade pistol, they took away the bag and other articles and went away on their TVS Rider vehicle. Information was given by the informant about the occurrence and thereafter the case was registered.

4. Learned counsel for the petitioner Md. Afsar submits that the F.I.R. was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of Md. Tabish Khan recorded in course of investigation. It is submitted that while the accused are said to have used TVS Rider motorcycle, so far as the vehicle of the petitioner is concerned, the same is a different model. No incriminating article has been recovered from the petitioner's possession and the petitioner has no criminal antecedent.

5. Learned counsel appearing for the petitioner Md. Ashad Naseem submits that so far as this petitioner is concerned, his name transpired in the statement of co-accused Md. Tabish Khan made before the police. No incriminating article has been recovered from the petitioner's possession.

6. The application for bail is opposed by learned A.P.P. appearing for the State who submits that it transpired in course of investigation that besides taking the name of the



petitioner (Md. Afsar), Md. Tabish Khan is said to have identified the vehicle used in the offence which bears the registration No. BR 01 FY 7344 and of which the petitioner Md. Afsar happens to be the registered owner.

7. In view of the facts of the case, the Court is not inclined to enlarge the petitioner Md. Afsar on anticipatory bail and the application is rejected.

8. The petitioner Md. Afsar is directed to surrender in the learned court below within a period of four weeks.

9. In view of the facts and circumstances of the case together with the material that has transpired in the course of investigation, the petitioner Md. Ashad Naseem, is directed to be enlarged on bail in the event of arrest/surrender within a period of four weeks, in connection with Pakribarawan P.S. Case No. 456 of 2024 on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 2nd, Nawada.

(Partha Sarthy, J)

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