

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45814 of 2025

Arising Out of PS. Case No.-211 Year-2025 Thana- GARKHA District- Saran

Shamim Miya @ Shamim Khan S/o Yunus Miya R/o Vill- Audha, P.S.-
Garkha, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Garkha
P.S. Case No. 211 of 2025 instituted for the offence under
Sections 310(4) and 310(5) of the Bharatiya Nyaya Sanhita,
2023 and Sections 25(1-b)a, 26 & 35 of the Arms Act.

3. On 24.03.2025, police raided the bank of *Gandak*
River near *Akhiyarpur* village based on a tip-off about a planned
crime. Seven persons, including the petitioner, were
apprehended while 9-10 others managed to escape. During the
search, two loaded country-made pistols were recovered from
co-accused Bhim Nut and Shiv Nat, along with mobiles, cash,
motorcycle, and other items.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24-03-2025. Petitioner bears two criminal antecedent/s, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Nothing incriminating has been recovered from the possession of the petitioner. Allegation levelled against the petitioner is confined to preparation of dacoity only and other than that there is no specific allegation attributed to him. Police after completion of investigation has submitted charge sheet in this case. Other co-accused has been granted bail by this Court vide order dated 24-06-2025, passed in Cr. Misc. No. 38641 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, nature of accusation, claim based on parity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Garkha P.S. Case No. 211 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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