

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45763 of 2025**

Arising Out of PS. Case No.-114 Year-2022 Thana- KADWA District- Katihar

Naushad Alam @ Md. Naushad Alam S/o- Md. Irfan Ali @ Md. Irfan
Resident of Village- Kanta Dih PS- Kadwa District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : None

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER**

2 04-08-2025 Heard learned counsel for the petitioner.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Kadwa P.S. Case No. 114 of 2022 instituted for the offence under Sections 341, 323, 504 and 506/34 of the Indian Penal Code (in short 'IPC') and under Sections 25(1-b)a, 27 and 35 of the Arms Act.

3. The case of the prosecution is that a social worker has filed a case that unknown miscreants are excavating the soil of Mahananda river. In that case altogether 9 persons were named.

4. Learned counsel for the petitioner has submitted that police filed final form against those 9 persons and they were exonerated by police. During course of investigation it was



found that the JCB belongs to one Anwar and this petitioner is driver of that JCB. Learned counsel for the petitioner has brought to the notice Annexure-P/2; order dated 05.08.2022 of the learned CJM, Katihar which goes to show that one Devesh Singh has filed a petition for release of JCB and the said vehicle was released in his favour. Learned counsel further submits that neither Anwar nor this petitioner has got any concern with the JCB. The petitioner has never driven any JCB. His name has surfaced in this case only on the premises that Anwar was the owner and he is the driver. As all named accused persons have been exonerated, there is no allegation against this petitioner.

5. There is no one to represent the State.

6. Having heard learned counsel for the petitioner and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Kadwa P.S. Case No. 114 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

7. Accordingly, the present bail application stands
allowed.

(Ashok Kumar Pandey, J)

durgesh/-

U		T	
---	--	---	--

