

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48695 of 2025

Arising Out of PS. Case No.-631 Year-2024 Thana- GAYA KOTWALI District- Gaya

Md. Sikandar S/o Md. Nazim @ Md. Islam @ Najim Aslam Resident of
village- Nizam Colony, Abgila, P.S.- Gaya Muffasil, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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

ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S. Tr.
No. 472 of 2025, arising out of Gaya Kotwali P.S. Case No. 631
of 2024 registered for the offences punishable under Sections
310(4), 310(5), 111(2)(b) of the B.N.S., 2023 and Sections 25(1-
B)(a), 26, 35 of the Arms Act.

3. As per prosecution case, the police has recovered
two country-made pistols from the possession of the co-accused
person.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



The petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession. The name of the petitioner has transpired in this case on the basis of the disclosures made by the apprehended co-accused. The petitioner has eight criminal antecedents as has been stated in paragraph no.3 of the present anticipatory bail application and he is in custody since 19-12-2024. The petitioner has no concern with the alleged occurrence or the seized arms and ammunition. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. Other co-accused has been granted bail by this Court vide order dated 26-06-2025, passed in Cr. Misc. No. 37217 of 2025.

5. Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent as also there being no specific allegation of any overt act against the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge, if not already framed***, 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
S. Tr. No. 472 of 2025, arising out of Gaya Kotwali P.S. Case
No. 631 of 2024, 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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