

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60660 of 2025

Arising Out of PS. Case No.-195 Year-2018 Thana- BIHAR District- Nalanda

Md. Sarwar @ Md. Sarbar S/o- Md. Taslim Sabbir @ Savir Resident of
Village- Pakki Talab, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shadab Akhter, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bihar P.S. Case No. 195 of 2018 registered for the alleged offences under Section 394 of the Indian Penal Code.

03. As per prosecution case, three miscreants entered into the house of the informant in the dead of night and when the informant raised alarm, they assaulted the informant and his daughter who resisted their act. While fleeing away, the miscreants took away the mobile phone of the daughter of the informant. The name of the petitioner transpired during investigation for being involved in the alleged occurrence.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner who was not named in the FIR. No test identification parade has been conducted to establish the identity of the petitioner. The petitioner has been named in this case on the basis of confessional statements of Md. Mustak and Md. Jaffar and except for the confessional statements of the co-accused persons, there is not material against the petitioner. Learned counsel further submits that initially in the FIR only three persons were said to have entered into the house of the informant but subsequently, five persons have been made accused in this case and other four persons have been granted bail vide orders of the different Co-ordinate Benches of this Court. The petitioner is in custody since 09.05.2025 and charge-sheet has been submitted. The petitioner is having antecedent of four cases and he is on bail in all such cases.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and also considering the lack of substantive material against the



petitioner and further considering the grant of bail to other similarly situated co-accused persons and also the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Cheif Judicial Magistrate, Nalanda, Bihar Sharif/court concerned in connection with Bihar P.S. Case No. 195 of 2018, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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