

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58230 of 2025**

Arising Out of PS. Case No.-329 Year-2024 Thana- PURNEA SADAR District- Purnia

Md. Mustaque @ Md. Mustak, aged about 28 years, Male, Son of Md. Laik,  
Resident of Aina Mahal, Shani Mandir Gulabbagh, P.S.- Sadar, District-  
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate  
For the Opposite Party/s : Ms. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**  
**ORAL ORDER**

2      27-08-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Sadar  
P.S. Case No. 329 of 2024 instituted for the offences punishable  
under Sections 395 and 412 of the Indian Penal Code.

3. As per the prosecution case, a number of miscreants  
looted godown of the company of the informant and took away  
mobile phone, cash and 227 bags of maize from the godown.  
The guard and his wife were tied before looting the godown.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence and has  
falsely been implicated in this case merely on the basis of mere  
suspicion. He further submits that the present case has been  
lodged against seven unknown miscreants and the petitioner is



not named in the FIR. He next submits that during investigation, the police arrested one accused Md. Mubarak Khan @ Gunda and who confessed his guilt and naming the petitioner as his associates. He lastly submits that nothing incriminating articles have been recovered from the conscious possession of the petitioner or his house. He again submits that the petitioner was arrested in Sahayak Khazanchi P.S. Case No. 195 of 2024, thereafter, the police remanded the petitioner in the present case. Petitioner is in custody since 30.10.2024.

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

6. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-IV, Purnea dated 09.04.2025, it appears that petitioner is not named in the FIR and his name transpired in this case during the course of investigation. It also appears that on the basis of written report of the informant namely Suraj Kumar, FIR has been registered under Sections 395 and 412 of the Indian Penal Code against seven unknown miscreants. After conclusion of the investigation chargesheet has been submitted against the petitioner along with other co-accused persons as submitted by learned counsel for the petitioner. Similarly situated co-accused persons namely



Mubarak Khan @ Gunda and Mr. Azaz have been granted bail by a Co-ordinate Benches of this Court in Cr. Misc. Nos. 66896 of 2024 and Cr. Misc. No. 74368 of 2024 vide orders dated 01.10.2024 and 18.10.2024, respectively, So considering all these aspects of the matter and submissions of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No. 329 of 2024, subject to the condition that the petitioner shall remain physically present before the Trial Court on each and every date fixed by the learned Trial Court till conclusion of the Trial.

**(Ramesh Chand Malviya, J)**

Anand Kr.

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