

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66271 of 2025

Arising Out of PS. Case No.-381 Year-2023 Thana- KESARIA District- East Champaran

Md. Jubair Alam @ Shekhar @ Shekhar Miyan @ Md Jubair , aged about 28 years, male, S/O Salamudin Ansari @ Salamudin Raen R/O Vill.- Pakari Dumariya, P.S.- Dumariya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammed Arif, APP

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

ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody in a case registered for the offence punishable under Sections 395 and 412 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that petitioner along with other co-accused persons on the point of pistol, have looted informant's motorcycle, bag, cash and mobile.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He next submits that petitioner was not arrested at the spot and nothing incriminating article has been recovered from his



possession. He further submits that investigation has been concluded and charge has been framed by the police but no TIP has been conducted by the Investigating Officer. He further submits that name of the petitioner has been transpired on the basis of confessional statement of the co-accused person, namely, Najrudin Alam @ Dugli, who has already granted bail by a co-ordinate Bench of this Court. He further submits that similarly situated co-accused persons have already granted bail by co-ordinate Benches of this Court, namely, Dugli Miyan @ Nazruddin Alam vide order dated 13.12.2023 passed in Cr. Misc. No. 66960 of 2023, Chunu Sah vide order dated 07.02.2024 passed in Cr. Misc. No.4728 of 2024, Rupesh Kumar, vide order dated 17.02.2024 passed in Cr. Misc. No.7885 of 2024 and Chandan Sah, vide order dated 28.06.2024 passed in Cr. Misc. No.18384 of 2024. He next submits that petitioner is in custody since 16.09.2023 and has got five criminal antecedent as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for Regular bail of the petitioner.

6. Considering the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner and also the fact that investigation has been concluded



and charge has been submitted by the police but no TIP has been conducted by the Investigating Officer and also the fact that similarly situated co-accused persons have already granted bail by co-ordinate Benches of this Court, namely, Dugli Miyan @ Nazruddin Alam vide order dated 13.12.2023 passed in Cr. Misc. No. 66960 of 2023, Chunu Sah vide order dated 07.02.2024 passed in Cr. Misc. No.4728 of 2024, Rupesh Kumar, vide order dated 17.02.2024 passed in Cr. Misc. No.7885 of 2024 and Chandan Sah, vide order dated 28.06.2024 passed in Cr. Misc. No.18384 of 2024, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-13th, East Champaran, Motihari in connection with Sessions Case No. 1166 of 2023 arising out of Kesariya P.S. Case No. 381 of 2023 with a condition that petitioner shall physically present on each and every date fixed by the learned Trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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