

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70283 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- RAJNAGAR District- Madhubani

1. Md. Arshad Ali @ Md. Arsad @ Md. Arshad S/o Md. Amir Hamza R/o Village - Chhoti Gausnagar, P.S - Rajnagar, District - Madhubani
2. Md. Aakub @ Md. Yakub S/o Md. Hamid Mansuri R/o Village - Chhoti Gausnagar, P.S - Rajnagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Soban Asghar, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-10-2025

Heard the parties.

2. The petitioners apprehend their arrest in connection with Rajnagar P.S. Case No. 9/2025 registered for the offences under Sections 310(4), 310(5), 112(2)(b), 111(3), 111(4) of the BNS, 2023 and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. The police on a tip of assemblage of miscreants, raided the place of occurrence and apprehended two persons. However, others were succeeded in fleeing away. The apprehended person disclosed the name of eight persons including the petitioners. In course of search, one country



made pistol and a mobile phone was recovered.

4. Learned Advocate for the petitioners submitted that the name of the petitioners transpired on the disclosure made by the apprehended person before the police which has no evidentiary value in the eyes of law besides there are serious infirmities in the search and seizure. There is no compliance of Section 103 and 105 of the BNSS. The petitioner no. 1 has one criminal antecedent whereas petitioner no. 2 has no criminal antecedent and they undertake that they will fully cooperate in the proceeding of the court. While concluding the submissions, learned Advocate further contended that one of the co-accused persons facing identical allegation has been extended the privilege of anticipatory bail by a coordinate bench of this Court in Cr. Misc. No. 57355 of 2025 vide order dated 29.08.2025, the copy of which, has been placed on record.

5. On the other hand, the learned Advocate for the State vehemently opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation



and the fact that the alleged recovery has been made from apprehended person and save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioners in the crime besides the submission of the petitoners that his case is based upon parity with that of the co-accused who has been granted anticipatory bail by learned coordinate bench, let the petitioners, above, named, be released on bail on their arrest or surrender before the court below within a period of four weeks from today on his furnishing bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -1st Madhubani/the concerned court below, in connection with Rajnagar P.S. Case No. 9/2025, subject to the condition laid down under Section 482 (2) of the BNS.

(Harish Kumar, J)

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