

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72403 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- Baijnathpur District- Saharsa

Md. Tahlim Son of Md. Firoj Resident of Village - Chaughara, P.S. - Supaul,
District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Baijnathur P.S. Case No. 13 of 2025 registered for the offences punishable under Sections 309(4), 309(6), 109 of BNS and Section 27 of the Arms Act.

3. As per prosecution case, informant was working as a manager at Pooja Fuels. It is alleged that four persons came on two motorcycles and got the petrol filled up worth Rs. 500/- in their motorcycles. Thereafter, one of them took out pistol from his waist and fired upon Ajay Kumar, however, he escaped unhurt. It is alleged that the said accused person snatched bag containing about Rs. 21,000/- (in cash). It is alleged that nozzle no. 3 was also damaged due to firing.



4. Learned counsel for the petitioner submits that FIR has been registered against four “Nakabposh” unknown miscreants who have covered their faces with mask. He further submits that how the miscreants had been identified in CCTV footage if their faces were covered. He further submits that petitioner despite being in custody, has not been put up on TIP. Petitioner is in custody since 30.04.2025 and he bears criminal antecedent of one case and he orally submits that petitioner is on bail in the said case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been surfaced in this case upon the confessional statement of co-accused Om Prakash Kumar. Except confessional statement of the said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Co-accused Om Prakash Kumar and Sanjit Kumar have already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 55581 of 2025 and on the principle of parity, petitioner also deserves bail.



5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that the name of the petitioner has been surfaced in this case upon the confessional statement of co-accused Om Prakash Kumar. Hence, he cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail by the Co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saharsa in connection with Bajinathpur P.S. Case No. 13 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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