

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78083 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- BIRPUR District- Supaul

Md. Istiyar @ Istalin S/O Md. Alimuddin Resident of Village- Mahua, Ward
No. 09, Police Station- Supaul, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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

ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Birpur (balua Bazar) P.S Case No. 31 of 2025 registered for the
offences punishable under Sections 303(2), 334(1), 3(5) of the
BNS.

3. As per allegation in the FIR, petitioner along with
the four other accused persons have stolen away the ornaments
of Durga Temple.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that there are four unknown culprits who have
committed the alleged occurrence and the petitioner is not



named in the FIR rather his name has been figured from the confessional statement of the apprehended accused person namely Md. Hazrat @ Vijay Mian. He further submits that nothing incriminating articles has been recovered from the possession of the petitioner, moreover, no TIP has been conducted. He further submits that petitioner is in custody since 02.04.2025 and the charge-sheet has already been submitted. Moreover, petitioner possesses two criminal antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order dated 28.07.2025, it appears that petitioner is not named in the FIR. Moreover, nothing has been recovered from the possession of the petitioner and also no TIP has been conducted as yet by the Officials. So, considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioner, let the above named petitioner 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 Chief Judicial Magistrate-1, Birpur (Supaul) in connection with Birpur (Balua Bazar) P.S. Case No. 31 of 2025 subject to the condition that petitioner shall remain



present on each and every date fixed by the trial Court till the conclusion of the trial and if the petitioner fails to appear before the Trial Court on two consecutive dates, then the Trial Court may cancel the bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

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