

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4263 of 2026

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

Md. Kalam @ Mohammad Kalam Son of Md. Hashim @ Md. Hasim
Resident of Village- Surtipatili, Surtipatti, Ward No. 01, P.S.- Supaul, District-
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Birpur
(Balua Bazar) P.S. Case No. 31 of 2025 instituted for the
offences under Sections 303(2), 334(1), 3(5) of the Bharatiya
Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that four unknown
miscreants committed theft of ornaments in Durga Temple.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner
transpired in this case on the basis of confessional statement of
the co-accused Md. Hazrat @ Vijay Mian. No incriminating



article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that T.I.P. has not been conducted till date. Learned counsel further submitted that petitioner has got no concern with the stolen articles. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.05.2025 and has four criminal antecedents. Other co-accused has been granted bail by this Court vide order dated 18-11-2025, passed in Cr. Misc. No. 68544 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Birpur (Balua Bazar) P.S. Case No. 31 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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