

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11436 of 2026

Arising Out of PS. Case No.-190 Year-2025 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

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Amit Sah Son of Vijay Sah R/o Donar Gumati- 25, P.O. and P.S.- Kotwali,
District - Darbhanga, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Advocate Mr. Abhigyan Kumar, Advocate Ms. Rupa Sinha, Advocate
For the Opposite Party/s	:	Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in Rail Samastipur
GRP P.S. Case No. 190 of 2025 dated 04-10-2025 registered
under Sections 305(C) and 317(2) of the *Bharatiya Nyaya
Sanhita, 2023*.

3. The allegation is of recovery of one blue-coloured
old Redmi mobile phone in a locked condition from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that the petitioner is a *bona
fide* passenger and was apprehended by certain train passengers



merely on the basis of rumours and suspicion. It is contended that no incriminating article has been recovered from the conscious possession of the petitioner. The alleged recovery of a mobile phone, even if taken at its face value, does not connect the petitioner with the commission of the alleged offence in the absence of any supporting material. It is further submitted that there is no independent witness to the seizure list, which is in clear violation of Section 103 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* rendering the alleged seizure illegal and unreliable. The mandatory procedural safeguards have not been followed and the entire seizure process appears to be doubtful and vitiated. It is further submitted that the petitioner was neither apprehended at the scene nor directly implicated by any eyewitness and the prosecution case is based merely on suspicion. Lastly, it is submitted that the petitioner has been in custody since 05.10.2025 and has no criminal antecedents.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned ACJM Railway Samastipur, in connection with Rail Samastipur GRP P. S. Case No. 190 of 2025, subject to the following conditions: (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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