

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3867 of 2026

Arising Out of PS. Case No.-749 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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Kayim Miyan @ Kayum Miyan @ Kayim Alam S/o Bambay Miyan R/o
Village- Jitwarpur, P.S- Govindganj, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-05-2026 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Motihari Town Police Station Case No. 749 of 2025, registered for the offences punishable under Sections 318(4), 338, 336(3) and 3(5) of Bharatiya Nyaya Sanhita.

3. The allegation against the petitioner is that petitioner who was an accused in Govindganj P.S. Case No. 171 of 2015, surrendered before the learned court below on 23.01.2023 and obtained bail. Subsequently, on an enquiry conducted by the Court, it transpired that the petitioner was not even present in the country on the date on which he is said to have surrendered in the said case and of having obtained bail.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in the present case. On the alleged date of occurrence, the petitioner was working abroad and had no knowledge of the incident. The allegations primarily relate to the petitioner's brother, and no cogent material has come on record against the petitioner. His implication is based merely on suspicion and due to the alleged malpractice of others, including the advocate's clerk. It has further been submitted that the date of occurrence is 23.01.2023, petitioner was working abroad and it is clear that he had no fear of arrest. Therefore, it is not believable that the petitioner would instruct his brother Sahim Miyan to do the illegal act. He further submits that petitioner's brother was earlier allured by the advocate's clerk who had promised to manage bail on payment of money. The petitioner, at best, can be said to be a beneficiary of the bail.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and submits that fraud was played with the Court by obtaining and furnishing bail bonds through impersonation, by producing another person in place of the petitioner, thereby giving the impression to the Court that it was the petitioner who had surrendered and furnished the bail bond.



6. Having heard learned counsel for the petitioner and the State and upon perusal of the materials on record, it appears that the petitioner was an accused in Govindganj P.S. Case No. 171 of 2015, while the petitioner was abroad, he, fraudulently with the help of his brother and others produced some other person instead of the petitioner and obtained bail. A fraud was played with the Court by obtaining and furnishing bail bonds through impersonation, by producing another person in place of the petitioner, giving the impression that it was the petitioner who had surrendered and furnished the bail bond. The involvement of the petitioner, in the aforesaid circumstances, cannot be ruled out. The FIR has been lodged by the Office Clerk of A.C.J.M.-1st, East Champaran at Motihari, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. Accordingly, the prayer for anticipatory bail rejected.

(Anil Kumar Sinha, J)

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