

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3095 of 2026

Arising Out of PS. Case No.-125 Year-2024 Thana- R S P.S. District- Araria

Md. Mustaque S/o Md. Laik Resident of Aina Mahal, Shani Mandir
Gulabbagh, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 08-07-2026 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Araria (R.S.) P.S. Case no. 125 of 2024 registered under sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and section 27 of the Arms Act, 1959.

3. As per the prosecution case, the informant states that he received information about his son being shot and having died as a result thereof. The informant states that he is convinced that Akshay along with his accomplices have given effect to the occurrence.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner transpired in the confessional statement of co-accused made before



police. Even as per the said confession, it is Saharyar @ Guddu @ Faisul who is the assailant of the deceased. No overt act has been alleged against the petitioner. Further Akshay Sah who is an FIR named accused has been enlarged on bail vide order dated 15.5.2025 passed in Cr. Misc. no.16125 of 2025. The petitioner is in custody since 16.9.2025 and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, co-accused Saharyar @ Guddu @ Faisul having been named as the assailant in the confession of the co-accused recorded in course of investigation, the petitioner having remained in custody since 16.9.2025 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Araria (R.S.) P.S. Case no. 125 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria.

(Partha Sarthy, J)

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