

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4174 of 2026

Arising Out of PS. Case No.-108 Year-2025 Thana- ISHAKCHAK District- Bhagalpur

Md. Mumtaz Khan @ Musama S/o Late Mustafa Khan Resident of Village-
Dusadhpara Ward No. 9, P.S.- Nagar Sahebganj, District- Sahebganj,
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv.

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Ishak Chak P.S. Case no.108 of
2025 registered under sections 310(6), 310(5), 310(1), 310(4)
and 317(5) of BNS, 2023.

3. There is recovery of one country made pistol, two
live cartridges along with some incriminating articles from
petitioner's possession.

4. Learned counsel for the petitioner submits that false
recovery has been made from possession of the petitioner being
that of one country made pistol and two live cartridges. It is
further submitted that the seized articles do not belong to



petitioner and he was never involved in the preparation of any dacoity. Further, there is no independent witness to the seizure list indicating violation of mandatory provisions of search and seizure. Petitioner is in custody since 26.04.2025 and has one criminal antecedent, which was lodged on the same date at Hajipur in which he is on bail. Learned counsel for the petitioner further submits that he undertakes to co-operate in trial and charges have been framed on 24.09.2025.

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

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering that petitioner has remained in custody since 04.09.2025 and charges have been framed, coupled with the undertaking given by the petitioner that he would be co-operating in the trial, the petitioner is directed to be enlarged on bail in connection with Ishak Chak P.S. Case no.108 of 2025 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 Court concerned where the case is pending/successor Court, subject to the following conditions:-

(I) One of the bailors of the petitioner shall be the



family member/close relative of the petitioner.

(II) The petitioner shall remain physically present in the learned trial Court on each date and shall cooperate in the trial. In case the petitioner is absent on the two consecutive dates without sufficient reasons, the learned trial Court would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

Harsh/-

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