

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7519 of 2026

Arising Out of PS. Case No.-661 Year-2024 Thana- RAHUI District- Nalanda

Md. Zawed Ali @ Jawed, aged about 24 years, Male, S/O Nausad Ali @ Nushad Ali, resident of Mohalla- Tirahe Ki Masjid, P.S.- Sultanganj, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Rahui PS Case No.661 of 2024 dated 19.12.2024, instituted for the offence punishable under Sections 331(4) and 305(a) of the *Bharatiya Nyaya Sanhita*, 2023.

3. The prosecution case, in brief, is that on the alleged date of occurrence the informant and his family members had gone to Town. On the next day, in the morning, one villager informed the informant that the lock of the door of his house is broken. When the informant arrived, he found that the lock of the boxes kept in the rooms were also broken and all the documents such as certificates, land agreements, gas papers, brass utensils and household articles were stolen by unknown thieves.



4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Only on the basis of confessional statement of Md. Samir @ Sanni and Md. Afsar, the petitioner has been made accused in this case. It is further submitted that nothing has been recovered either from the conscious possession or from the house of the petitioner. No test identification parade has been done till date. It is further submitted that co-accused, Md. Samir @ Samir Khan @ Sanni, on whose confessional statement the name of the petitioner has come, has been granted bail by a co-ordinate Bench of this Court by order dated 28.01.2026 passed in Cr. Misc. No.3035 of 2026. Further submission is that the prayer of the petitioner has been refused by the Court below only on the basis of his past criminal antecedents. Lastly, it is submitted that the petitioner is in custody since 04.08.2025 in the present case and fifteen cases are pending against him.

5. Learned APP has opposed the prayer for bail.

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 Chief Judicial Magistrate, Nalanda



at Biharsharif, in Rahui PS Case No.661 of 2024, subject to the 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, (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, and (v) that the petitioner within two weeks from the date of his release from custody shall appear before the SHO of his local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark his attendance till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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