

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19486 of 2026

Arising Out of PS. Case No.-235 Year-2023 Thana- FALKA District- Katihar

Saharyar Alam @ Sahareyar Alam @ Guddu Son of Sabir @ Md. Sabir
Resident of Village - Morsanda, P.S.- Falka, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate
For the State : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-03-2026 Heard Mr. Md Musowir, learned counsel for the
petitioner and Mr. Dr. Ajeet Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 26.02.2025, in connection with Falka P.S. Case No. 235 of 2023, F.I.R. dated 27.06.2023 registered for the offences punishable under Section 392 of the Indian Penal Code and later on Section 25(1-b)a of Arms Act was added.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation and nothing has been recovered from the



conscious possession of the petitioner or the house of the petitioner and till date no TIP was conducted by the prosecution. He further submits that similarly situated co-accused person, namely, Akash Deep @ Hero has been granted regular bail by a Coordinate Bench of this Court vide order dated 18.10.2023 passed in Cr. Misc. No.67770 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.02.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of six cases, the petitioner is on bail in three cases and rest three cases are pending for consideration before the competent court of law.

6. Considering the facts and circumstances of the case and the fact that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation and till date no TIP was conducted by the prosecution as well as similarly situated co-accused person has been granted the regular bail by a Coordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each



to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Falka P.S. Case No. 235 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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