

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31409 of 2026**

Arising Out of PS. Case No.-95 Year-2026 Thana- KATIHAR NAGAR District- Katihar

Aukar Alam Son of Sk Babul @ Babul Resident of Village -Bairia PS-
Amdabad District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 12-05-2026 Heard Mr. Bimal Kumar, learned counsel for the
petitioner and Mr. Binod Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
24.01.2026, in connection with Katihar Nagar P.S. Case No. 95 of
2026, F.I.R. dated 21.01.2026 registered for the offences
punishable under Sections 303(2) and 334 of the B.N.S., 2023

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

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely implicated
in the present case. He further submits that initially the petitioner
was not named in the F.I.R. and the name of the petitioner has
been transpired on the basis of confessional statement of co-
accused person, namely Sundar Khan @ Munna and thereafter the



petitioner has confessed his guilt in the present occurrence and some articles have been recovered from the house of the petitioner. Learned counsel for the petitioner further submits that the said articles have not put on test identification parade and even the petitioner has not put on test identification parade till date and co-accused person, namely, Sundar Khan @ Munna has been granted bail vide order dated 11.05.2026 passed in Cr. Misc. No. 30203 of 2026 by a Coordinate Bench of this Court. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.01.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person and till date no TIP was conducted by the prosecution, 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 Chief Judicial Magistrate, Katihar in connection with Katihar Nagar P.S. Case No. 95 of 2026, 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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