

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33778 of 2026

Arising Out of PS. Case No.-296 Year-2019 Thana- BAHADURPUR District- Patna

Mohammad Nadeem @ Nadim son of Md. Naushad Ali Resident of village-
Dargah Road, 154, Friends Colony, Katra School, Ps- Sultanganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 20-05-2026 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State through

virtual mode.

2. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 296 of 2019 registered on 27.10.2019 for the offences punishable under Sections 379 of the Indian Penal Code.

3. According to prosecution case, on 26.10.2019 while the informant was passing near Central Bank, Sandalpur Road, Bahadurpur, Patna, he felt that someone had removed his mobile phone from the left pocket of his trousers and when the informant turned back, he noticed three boys moving hurriedly and upon suspicion he raised alarm and started chasing them and they started fleeing and called each others' names as



Danish, Dilshad and Nadim. Accordingly the FIR .

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged in the FIR and he has been implicated in this case only on the basis of suspicion. Nothing incriminating has been recovered from the constructive possession of the petitioner, while the recovery is said to have been made from the possession of co-accused persons, namely, Danish and Dilshad. Learned counsel further submits that the petitioner has got clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application of the petitioner.

6. Considering the submissions of the parties and the facts that the recovery is said to have been made from the possession of co-accused persons, namely, Dilshad and Danish and no material is said to have been recovered from the constructive possession of this petitioner and the petitioner has no criminal antecedent, accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for



cancellation of their bail bonds.

(Ajit Kumar, J)

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