

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35138 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- Basmatia District- Araria

=====

Md. Mojafil Alam @ Mithu Son of Sandil Sah Resident of Village- Rajokhar
ward no 3 P.S -Araria, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 17-07-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Basmatiya P.S. Case No. 11 of 2026 registered for the offence punishable under Sections 137(2) and 140(3) of the B.N.S.S., 2023.

3. As per the prosecution case, the son of the informant who was mentally and physically challenged went missing while on his way to the market.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that as per the statement of the victim recorded under Section 183 B.N.S.S., which was earlier called for by order dated 21.05.2026 goes to show that one person who had come to sell rice had enticed him and took away on his bicycle and police after sometime recovered him. It



has further been submitted that no Test Identification Parade (TIP) of the petitioner has been held. It has further been submitted that the confessional statement of the petitioner before police, while in police custody, has got no evidentiary value in the eye of law. It has further been submitted that petitioner has got no criminal antecedent. Lastly, it has been submitted that the petitioner is in custody since 04.02.2026 and charge sheet has been submitted in the present case and there is no allegation of tampering against the petitioner.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances of the case, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Basmatiya P.S. Case No. 11 of 2026.

8. The application stands allowed.

(Praveen Kumar, J)

Sahil/-

U		T	
---	--	---	--

