

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38867 of 2026

Arising Out of P.S. Case No.-706, Year-2025, Thana- BASANTPUR, District- Siwan

Irfan Ali @ Nabi Sai, S/o Jamaludin Sah @ Jmalu Sai, Resident of Village -
Hussepur Nand, P.S.- Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 17-06-2026 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Basantpur P.S. Case No. 706 of 2025 registered for the offence(s) under Section(s) 305(b), 318(4) and 336(3) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. As per the prosecution case, the police conducted a raid on secret information and accused Shashi Kumar along with others including the petitioner brought a bike after committing theft. It has next been submitted that the police has apprehended one person who disclosed the name of all the persons who who were present at the place of the occurrence including the petitioner.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he was



not apprehended at the place of the occurrence. It has further been submitted that the petitioner has been named due to the personal differences with the said Sumit Kumar and no incriminating article has been recovered from the petitioner or from his home. It has lastly been submitted that the petitioner has clean antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in the event of his arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Basanapur P.S. Case No. 706 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the



following conditions :

(i) One of the bailors of the petitioner shall be his/her close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the concerned Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his/her bail bonds.

(v) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. 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.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

sweta/-

(Sourendra Pandey, J)

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