

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63875 of 2025

Arising Out of PS. Case No.-241 Year-2024 Thana- VIJAYEPUR District- Gopalganj

Afjal Ansari @ Afjal Miya @ Afjal Anshari S/O Late Musa Ansari @ Late Musa Miyan R/O Village- Vishunpura (Bishunpura), P.S.- Mirganj, District- Gopalganj. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64700 of 2025

Arising Out of PS. Case No.-241 Year-2024 Thana- VIJAYEPUR District- Gopalganj

Gabbu Miya @ Ashique Ali @ Gabu Miya @ Ashik Ali S/O Pappu Miya @ Ahasanul Miyan R/O Village- Rakba, P.S.- Bhore, District- Gopalganj. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63875 of 2025)

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

For the Opposite Party/s : Ms.Rita Verma, APP

(In CRIMINAL MISCELLANEOUS No. 64700 of 2025)

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-01-2026

Cr. Misc. No. 63875 of 2025

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Vijayipur (Vijaypur) P.S. Case No. 241 of 2024 registered for the offence under Section 309(4) of the BNS, 2023.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 13.01.2025.

4. The allegation against the petitioner is to commit



robbery in the night and while doing so, looted the mobile, motorcycle and ready-made cloth bundles etc. from the possession of the informant on 03.11.2024 at about 10:40 PM.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner surfaced out of self confession, while he was apprehended in Vijaypur P.S. Case No. 276/2024. It is submitted that on the basis of self confession, police claimed to recover the bundle of cloths which was looted but same was recovered from rented house of one Pintu Orchestra. It is pointed out that said bundle of cloths were not put before the informant during investigation as to identify the same and, therefore, in want of material identification by the informant, petitioner cannot be said connected with present crime in question. The petitioner was also not put on TIP. It is submitted that in such view of matter except suspicion, nothing survives against petitioner and, moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is submitted that petitioner found involved in two more criminal cases, where he is on bail.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by



taking note of fact as *prima facie* the connection of petitioner appears doubtful in want of recovered material TIP with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 13.01.2025 accordingly, petitioner above named, is directed to be released on bail in connection with Vijayipur (Vijaypur) P.S. Case No. 241 of 2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VI-Cum-Spl. Judge, POCSO Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

Cr. Misc. No. 64700 of 2025

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3. The accused/petitioner is not named in the F.I.R. and is in custody since 13.01.2025.

4. The allegation against the petitioner is to commit robbery in the night and while doing so, looted the mobile,



motorcycle and ready-made cloth bundles etc. from the possession of the informant on 03.11.2024 at about 10:40 PM.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner surfaced out of self confession while he was apprehended in Vijaypur P.S. Case No. 276/2024. It is submitted that on the basis of self confession police claimed to recover the bundle of cloths which was looted but same was recovered from rented house of one Pintu Orchestra. It is pointed out that said bundle of cloths were not put before the informant during investigation as to identify the same and, therefore, in want of material identification by the informant, petitioner cannot be said connected with present crime in question. The petitioner was also not put on TIP. It is submitted that in such view of matter except suspicion, nothing survives against petitioner and, moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Arguing criminal antecedent, it is submitted that petitioner found involved in seven more criminal cases, where he is on bail in six cases.

7. Learned APP opposed the prayer of bail.

8. Considering the aforesaid factual submissions and by



taking note of fact as *prima facie* the connection of petitioner appears doubtful in want of recovered material TIP with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 13.01.2025 accordingly, petitioner above named, is directed to be released on bail in connection with Vijayipur (Vijaypur) P.S. Case No. 241 of 2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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