

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73863 of 2025

Arising Out of PS. Case No.-121 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

Md. Rashid @ David Son of Md. Ajfar, Resident of village - Thikahi, P.S.-
Hatuhouri, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-01-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with STR No. 176 of 2024, arising out of Siwaipatti P.S. Case No. 121 of 2023 dated 14.06.2023, registered for the offences punishable under Sections 353, 307, 332, 333, 412 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, police received information about assembly of criminals of Kanti P.S. Case No. 407 of 2023 in a litchi orchard. The police surrounded the place and apprehended the co-accused persons. Five miscreants including this petitioner fled away from the spot and Kanti P.S. Case No. 442 of 2023 was registered under Sections 489A, 489B, 489C, 489D and 489E of the IPC and Sections 25(1-b)a,



26 and 35 of the Arms Act and Sections 8, 20B, 11C, 22 and 34 of the NDPS Act. Further, information was received about the petitioner and other co-accused persons trying to flee away to Nepal. A team was constituted and police laid a siege at certain identified place on the basis of tower location of mobile phones of miscreants. The vehicle of the miscreants was signalled to stop, but the miscreants indiscriminately fired upon the police party. However, their vehicle got stuck due to blockade by the police vehicle and the miscreants tried to run away on foot. In exchange of fire, some of them received injuries including this petitioner, who was apprehended carrying a carbine with eight live cartridges. Other co-accused persons were also apprehended with different fire-arms and ammunition. A recovery of Rs. 9,32,250/- along with a laptop was made from the vehicle of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. No occurrence in the manner as alleged has ever taken place. The petitioner has been implicated due to his criminal antecedent. The recovery is planted. No police personnel received any injuries and only the petitioner and other co-accused persons have received injuries in



the firing. Charges have been framed on 23.05.2025, but till date trial has not been concluded. There is no likelihood of early conclusion of trial and petitioner is in custody since 15.06.2023.

5. Learned A.P.P. appearing on behalf of the State vehemently opposes the submissions made on behalf of the petitioner and submits that the petitioner is a veteran criminal and carries antecedent of 10 cases of serious nature. The police vehicle were indiscriminately fired upon by the miscreants and a number of holes on police vehicles bear testimony of this firing. The petitioner was apprehended carrying a sophisticated weapon and further recovery of the looted cash and other articles were made from their vehicle. All the miscreants were carrying fire-arms and they were apprehended with fire-arms and magazines etc.

6. Having regard to the nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail and hence, his prayer for bail is rejected.

7. A report has been called for in this case from the learned trial Court about the present stage of trial and likely time for its conclusion and in the report, the learned trial Court has submitted that the original case record had been called for in the Court of learned Additional Sessions Judge-III, Muzaffarpur



on 07.10.2025 and thereafter, the record has not been returned to it. Learned trial Court has further submitted that it expects to conclude the trial in next six months after receiving the record from the Court learned Additional Sessions Judge-III, Muzaffarpur, if both parties co-operate and prosecution produces witnesses on each and every date.

8. The learned Principal District and Sessions Judge, Muzaffarpur is directed to ensure that the case record is assigned to the Court concerned immediately, if not required by any other Court and the Senior Superintendent of Police, Muzaffarpur is directed to ensure production of witnesses who are all official witnesses, as submitted by the learned trial Court, on each and every date fixed by the learned trial Court for prosecution evidence. It is expected that the learned trial Court will conclude the trial in the time frame submitted by it.

(Arun Kumar Jha, J)

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