

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73258 of 2025

Arising Out of PS. Case No.-401 Year-2025 Thana- SIKARPUR District- West Champaran

Sajid Hussain S/O Nabi Hussain R/O Vill.- Maldahiya Pokhariya, P.S.- Shikarpur, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 74296 of 2025

Arising Out of PS. Case No.-401 Year-2025 Thana- SIKARPUR District- West Champaran

FAIZ ARSHAD Son of Meraj Ali R/o Maldahiya, P.S.- Shikarpur, District - West Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 73258 of 2025)
For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate
For the State : Mr. Binod Kumar, APP
For the O.P. No.2 : Ms. Swati Priya, Advocate
(In CRIMINAL MISCELLANEOUS No. 74296 of 2025)
For the Petitioner/s : Mr. Ravi Ranjan Dixit, Advocate
For the State : Ms. Sharda Kumari, APP
For the O.P. No.2 : Ms. Swati Priya, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-02-2026 As both these bail applications arise out of the same police station case number, hence they are being heard together and disposed of by this common order.

2. Heard learned counsels for the petitioners, learned APP for the State and learned counsel for the opposite party no.2.



3. The petitioners seek bail in a case registered for the offence punishable under Sections 103(1), 140(1), 61(2) of the B.N.S.

4. As per the prosecution case, the informant alleged that unknown persons had abducted his son, demanded ransom, and threatened to murder him if the demand was not fulfilled.

5. The learned counsels for the petitioners submits that the present F.I.R. has been lodged against unknown as there is no eye-witness to the case. The petitioners have been implicated on the basis of the CCTV footage in which these petitioners have been identified as being sitting on the motorcycle along with the deceased sitting as pillion rider at the back. It is further submitted that neither the face nor the motorcycle number is clearly visible in the CCTV footage yet only on the basis of some vague suspicion, these petitioners have been made accused. Besides the said CCTV footage, the other material is the confessional statement of the petitioners during investigation admitting their guilt. Further submission is that paragraph no.99 of the case diary contains the CDR of both the petitioners, which makes it clear that they were through out in their own house and they had no motive



whatsoever to commit the kidnapping or cause the death of the deceased. The petitioners are young boys, aged about 19 years and are in custody since 17.04.2025 and the present stage of the case is that after framing of charges on 24.11.2025, one out of seven witnesses has been examined, as submitted by the learned counsels for the petitioners. It is thus submitted that there is no likelihood of conclusion of trial in the near future and the petitioners have no criminal antecedent.

6. Learned APP for the State and learned counsel for the opposite party no.2 have vehemently opposed the grant of bail and it has been pointed out that there are materials in the case diary to show the complicity of the petitioners.

7. Taking into consideration the facts and circumstances and considering the fact that the case is not based upon any direct evidence but upon circumstantial evidence of deceased last seen in the company of the petitioners, coupled with the fact that the petitioners are young boys, who are in custody since 17.04.2025 and charges have already been framed, let the above named petitioners, who have no criminal antecedent, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned District and Additional Sessions Judge-2nd, Bettiah,
West Champaran/concerned Court below in connection with
Shikarpur P.S. Case No. 401 of 2021 subject to condition that :

- (i) Fathers of both the petitioners would stand as one of the bailors.
- (ii) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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