IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78303 of 2026

CNR No. BRHC011106072026

Arising Out of PS. Case No.-1025 Year-2023 Thana- KHAGARIA District- Khagaria

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Mohammad Tuphani S/O Mohammad Yusuf Resident of Village- Mehsauri (Mahsaurhi), Ward No. 5, P.S.- Muffasil, District- Khagaria (Bihar).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner, Mr. Bhim Kumar Yadav and Mr. Nagendra Prasad, learned APP on behalf of the State.

2. This is an application for grant of regular bail to the petitioner who has been made accused in connection with (Supplementary) Khagaria P.S. Case No. 1025 of 2023 registered for the offences punishable under Sections 394 and 397 of the Indian Penal Code.

3. As per the prosecution case, when the informant, who was Branch Manager in Kota Micro Finance Company, along with another employee went to SBI Main Branch for depositing money, they were intercepted by four unknown persons on two motorcycles near turning point of over bridge.

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The unknown persons fired towards the informant and Abhimanyu Kumar and snatched the bag kept by Abhimanyu Kumar carrying Rs. 6,73,000/- and fled away toward Sanhauli.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this case merely on the basis of suspicion. Nothing has been recovered from the conscious possession of the petitioner and no TIP has been conducted by the prosecution. The petitioner has no concern with the alleged recovery.

5. It is further submitted that the petitioner is not named in the FIR and has been named on the confessional statement of the co-accused, Santabali, who has been granted bail by the Hon'ble Court vide order dated 30.07.2025 in Cr. Misc No. 44926 of 2025. The Co-ordinate Bench of this Hon'ble Court have also granted bail to another co-accused, Kanhaiya Kumar vide order dated 26.10.2026 in Cr. Misc No. 72753 of 2026.

6. The petitioner is languishing in judicial custody since 21.07.2026 and having three criminal antecedents in which he is on bail.

7. Learned A.P.P. appearing on behalf of the State has

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vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria in connection with (Supplementary) Khagaria P.S. Case No. 1025 of 2023, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) The trial court shall verify the criminal antecedent of the petitioner and if at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take

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steps for cancellation of the bail bonds of the petitioner. However, the acceptance of bail-bond shall not be delayed in name of verification.

(Kumar Manish, J)

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