

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 75954 of 2025

Arising Out of PS. Case No.-355 Year-2018 Thana- BIHAR District- Nalanda

Md. Sarwar S/o Md. Taslim @ Sabir @ Sabbir @ Md. Savir Ali Resident Of
Mohalla- Pakki Talab, P.S.- Laheri, District- Nalanda (Biharsharif)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-01-2026 Heard Mr. Sheo Kumar Prasad, learned counsel
for the petitioner as well as Mr. Nirmal Kumar Sinha, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.06.2025 in connection with Bihar P.S. Case No. 355 of 2018,
F.I.R. dated 03.08.2018 for the offences punishable under
Sections 399, 402 of the Indian Penal Code and 25(1-b)(a), 26,
35 of the Arms Act.

3. According to prosecution case, on secret
information regarding robbery, police reached the place of
occurrence and apprehended the accused persons and recovered
pistol and cartridges from them.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. The petitioner is not named in the FIR and his



name transpired on the basis of disclosure made by apprehended co-accused persons, namely, Md. Sonu @ Md. Jafar, Md. Mustak and Sunil Rajbanshi and except the disclosure made by apprehended co-accused persons, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the possession of the petitioner and similarly situated co-accused persons, namely, Chhotu Mahto and Rocky Beldar @ Rocky Jamadar have been granted the privilege of regular bail by the co-ordinate Bench of this Court vide order dated 20.02.2024 and in Cr. Misc. No.8647 of 2024 and Cr. Misc. No. 9798 of 2024. He further submits that the police after investigation submitted the charge sheet and the petitioner is in custody since 21.06.2025 .

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the two cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Bihar P.S. Case No. 355 of 2018, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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