

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77627 of 2025

Arising Out of PS. Case No.-269 Year-2025 Thana- JOKIHAT District- Araria

Md. Kasim @ Md. Kasim Ali S/o Md. Kaiyum @ Kaiyum Sah R/o Village-
Joravarganj, P.S.- Kumarkhand, District- Madhepura (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aatish Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 03-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Jokihat
P.S. Case No. 269 of 2025 instituted for the offence under
Section 309(4) of the Indian Penal Code and Sections 25(1-B)a,
26, 27 & 35 of the Arms Act.

3. The prosecution case, in brief, is that on
13.08.2025 the informant, while transporting iron rods and
returning with Rs. 3,02,200/- in cash, was intercepted near
'Kesarra' River by two unknown motorcyclists who fired upon
him causing injury to his leg and looted the said cash. It is
alleged that the accused Md. Shahabuddin @ Sharad and Md.
Kasim (petitioner) were apprehended by local people near



Charghariya Chowk after their motorcycle met with an accident, from whose possession a pistol, country-made firearm, live cartridges and a mobile phone were recovered, though the looted cash could not be recovered.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.09.2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Informant has not identified as to who has fired the shot while fleeing away. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 103 of the BNSS, 2023. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing***



of charge, if not already framed, on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jokihat P.S. Case No. 269 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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