

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78307 of 2025

Arising Out of PS. Case No.-214 Year-2022 Thana- THAWE District- Gopalganj

Jawed Ahmad @ Tunna Mian @ Tuna Miya, S/o- Md. Nazir Alam, R/v-
Piprahi, P.S.- Uchkagaon Dist- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate Mr. Purushottam Kumar, Advocate
For the State	:	Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Thawe
P.S. Case No.214 of 2022, dated.29.08.2022, registered for the
offences punishable under Sections 302, 120(B)/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per allegation, the son of the Informant has been
killed by motorcyclist while coming to home along with his
cousin. As per the further case of the prosecution, firstly, the
motorcyclists were following the the motorcycle of the deceased
and they hit him from the back with intent to make the
motorcycle fall, but when it did not happen, the pillion rider,



who was following the deceased shot at him by pistol. When he was brought to the hospital, he was declared dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the Petitioner is not named in the FIR. In fact, the FIR has been lodged against one Parvej Alam, against whom suspicion has been raised by the Informant regarding his involvement in the alleged offence. He further submits that during investigation, the only material collected against the Petitioner is the so-called confessional statement of the co-accused, Faisal before the police, wherein he has stated that the Petitioner is also involved in the alleged offence. Except the confessional statement, there is no other material in the charge sheet submitted against the Petitioner and other co-accused.

5. He further submits that the petitioner has been languishing in jail since 19.07.2025.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in 13 other cases.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier



either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and charge sheet has been submitted against him. He also submits that some CDR has been brought on record, regarding the mobile allegedly belonging to the Petitioner. However, he fairly admits that there is no specific material on record to show that this mobile belongs to the Petitioner and as per the tower location of the mobile, the holder of the mobile number was never at the place of the occurrence.

9. Considering the aforesaid facts and circumstances, particularly, lack of any legally admissible material against the Petitioner, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Thawe P.S. Case No.214 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his



absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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