

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83596 of 2025

Arising Out of PS. Case No.-134 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

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Abu Mohammad Son of Abdul Barik R/O Village- Ramnagar, Post- Nehra
(Manigachhi), P.S.-Nehra, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 11-02-2026 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhubani Nagar P.S. Case No.134 of 2024, F.I.R dated 02.04.2024 registered for the offences punishable under Sections 399, 402, 414, 468, 471/34 of the Indian Penal Code and Section 25(1-B)a, 26 and 35 of the Arms Act and Sections 8, 20(b)(ii)a of the NDPS Act.

3. According to prosecution case, the police received secret information that some miscreants staying in a rented house were planning to commit a major offence and had assembled with arms and ammunition. A police raid was conducted, during which four accused were apprehended while



others fled. The arrested persons were identified as Md. Kaif, Asif Firoj, Md. Abubakar Siddiki, and Ashraf Ali. During the search, 694 grams of ganja and several weapons including knives, an iron punch, an iron sarsi, a hammer, and scoopers were recovered. Country-made pistols with live cartridges were seized from Md. Kaif and Ashraf Ali. Mobile phones were also recovered from the accused. During interrogation, the names of the absconding accused were disclosed.

4. Learned counsel for the petitioner submits that the name of this petitioner has transpired on the basis of confessional statement of Md. Kaif (co-accused), who is said to have been apprehended on the spot. It has next been submitted that nothing incriminating is said to have been recovered from the constructive / conscious possession of the petitioner while his house was searched in his absence. It has further been submitted that the petitioner is presently engaged in business and is currently residing at Kolkata and to harass this petitioner, he has falsely been implicated in the present case. The petitioner has four criminal antecedent relating to Bihar Prohibition and Excise Act and is on bail in all the said cases.

5. Learned APP for the State opposes the prayer for anticipatory bail application.



6. Considering the aforesaid facts and circumstances that the petitioner's name has transpired on the basis of confessional statement of co-accused and no incriminating article is said to have been recovered from the conscious / constructive possession of the petitioner while his house was searched in his absence. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 ADJ V, Madhubani, in connection with Madhubani Nagar P.S. Case No.134 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two



consecutive dates without plausible reason will entail
cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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