

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87566 of 2025

Arising Out of PS. Case No.-262 Year-2025 Thana- KALYANPUR District- Samastipur

Md. Akbar Ali @ Akbar Ali @ Md. Akbar S/o- Md. Mofid R/v- Ratwara PS-
Kalyanpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 262 of 2025 registered for the offences punishable under Sections 309(6) and 317(2) of the BNS and Section 27 of the Arms Act.

3. As per prosecution case, informant and his brother-in-law were going to informant's house on their respective motorcycles. It is alleged that two miscreants on one motorcycle intercepted the motorcycle of informant's brother-in-law and another two miscreants on other motorcycle overtook the informant's motorcycle and stopped him and on the point of pistol, unknown miscreants compelled the informant to get down from the motorcycle and started assaulting the informant



and his brother-in-law. It is alleged that one of the miscreants assaulted the informant's brother-in-law upon his head by means of pistol as a result of which he became injured. It is further alleged that two miscreants pointed pistol upon the informant and his brother-in-law and snatched the bag containing 14 gram gold, 400 gram silver, bunch of keys and the locker key. Thereafter, one mobile, Rs. 6,000/- (in cash) and informant's Adhar Card were also snatched by the miscreants and they fled away.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the present case. He further submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case upon the confessional statement of the co-accused Md. Arju Imam. Except confessional statement of said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that no TIP has been conducted up till now. Petitioner is in custody since 27.07.2025 and he bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by submitting that the name of the petitioner has been transpired in this case upon the confessional statement of co-accused Md. Arju Imam. Hence, he does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur in connection with Kalyanpur P.S. Case No. 262 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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