

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90428 of 2025

Arising Out of PS. Case No.-130 Year-2024 Thana- PIRPAINTI District- Bhagalpur

Md. Wasim Alam Son of Md. Fakhruddin @ Md. FDakhruddin Alam
Resident of Village- Sundarpur, P.S.- Pirpanti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection
with Pirpanti P.S. Case No. 130 of 2024 registered for the
offences punishable under Sections 392 and 411 of I.P.C.

3. As per prosecution-case, the informant, who is
employed as a Credit Officer in Utkarsh Small Finance Bank,
proceeded for money collection and collected the total amount
of Rs. 15,160/-. It is further alleged that two boys riding a black
Apache motorcycle came from the Athania side, stopped the
motorcycle in front of the informant and snatched the total
collected amount of Rs. 15,160/- as well as the company's tablet
from his bag. The boy riding the motorcycle was 30 years old,
approximately 5 feet 4 inches tall. It is alleged that the



informant threw his two mobile phones and the keys of his motorcycle in the field and both the persons took away the total collection of Rs. 15,160/- and the company's tablet.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner is not named in the F.I.R. During the course of investigation, the police apprehended the petitioner and stolen tablet was recovered from the petitioner. He confessed that the said tablet was found in a damaged condition and he got the tablet repaired in Sah market and he was using the same. It is further submitted that no T.I.P. was conducted and the failure of prosecution to conduct T.I.P. demonstrates that investigation was not carried out in a proper manner, thereby casting serious doubt on the fairness of the investigation. Learned counsel further submits that at worst he can be held guilty for using the stolen article. He was bona fide user of the tablet as he found the tablet in a damaged condition and he was using by repairing in a particular shop. He is having no criminal antecedent and F.I.R. was lodged on 07.03.2024 and the said tablet was recovered after six months from the date of occurrence and the tablet was not with the petitioner during the relevant period of alleged offence. It is crystal clear that the



C.D.R. of mobile number of the informant clearly denotes that it was not located at the place of occurrence, which means that the informant was not present at the scene when occurrence took place.

5. Learned A.P.P. vehemently opposes the prayer of bail and has submitted that there is recovery of stolen tablet from the petitioner. Hence, the petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, complicity of the petitioner in the alleged offence has not been proved, charge-sheet has already been submitted, there is no likelihood of tampering with the prosecution evidence, clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Pirpanti P.S. Case No. 130 of 2024, 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) Petitioner 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 petitioner tampers 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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