

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89448 of 2025

Arising Out of PS. Case No.-315 Year-2025 Thana- RAJAPAKAR District- Vaishali

1. Md. Nashiruddin Sah @ Nashiruddin Shah S/o- Late Nasir Shah R/V- Chausima Kalyanpur PS- Rajapakar Dist- Vaishali
2. Hasin Sah @ Hasim Shah S/o- Kailar Shah @ Kallar Shah R/V- Chausima Kalyanpur PS- Rajapakar Dist- Vaishali
3. Farakh Shah @ Faruk Shah S/o- Dabal Shah R/V- Chausima Kalyanpur PS- Rajapakar Dist- Vaishali
4. Allauddin Shah S/o- Kaval Shah R/V- Chausima Kalyanpur PS- Rajapakar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 27-01-2026 Heard learned counsel for the petitioners and Mr. Md. Mushtaque Alam, learned APP for the State.

2. The petitioners have prayed for bail in connection with Rajapakar P.S. Case No. 315 of 2025 registered for the offence punishable under Sections 191(2), 191(3), 190, 115(2), 118(1), 109, 352, 351(2), 132, 121(2), 262, 324(1) of the B.N.S., 2023.

3. The case of the prosecution in short is that one ice cream vendor has called the police on 112 and has informed them that certain persons of the village have taken ice cream from him, and as he demanded the cash, he was being assaulted. It is further



alleged that altogether 62 accused persons arrived there, started assaulting the police party, and in the last part of the FIR, it is alleged that from the possession of the petitioner no. 1, namely, Md. Nashiruddin Sah @ Nashiruddin Shah, one INSAS rifle of police and from Ashish Shah, a sword was recovered.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. Learned counsel for the petitioner submits that in this case, the *chowkidar* has identified 62 persons, petitioners are amongst them, and there is an allegation that petitioner no. 1, namely, Md. Nashiruddin Sah @ Nashiruddin Shah, has snatched the INSAS rifle of the police, which was recovered at the place of occurrence itself, and the sword was recovered from petitioner no. 2, namely, Hasin Sah. He also submits that from perusal of the seizure list, it is clear that the seizure list does not bear the signature of the petitioners. It has also been submitted that all the witnesses of the seizure list are police personnel, which has no evidentiary value in the eye of the law. Police have not complied with Section 105 of the BNSS while making the seizure. He further submits that a statement has been made in para 3 of the petition that petitioners have no criminal antecedent and they are languishing in judicial custody since 07.09.2025.



5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 315 of 2025.

(Ashok Kumar Pandey, J)

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