

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1312 of 2026

Arising Out of PS. Case No.-54 Year-2024 Thana- SAHIYARA District- Sitamarhi

Md. Nizam S/O Ali Imam Nadaf @ Md. Aliman Resident of Village- Bhalahi,
P.S.- Bathnaha, Dist- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.07.2024 in connection with Sahiyara P.S. Case No. 54 of
2024 for the offence punishable under Section 395 of IPC.

3. The prosecution case, in brief, is that on 27.04.2024
in the night at 2:10 AM eight miscreants after breaking the door
entered into his house and on the point of pistol took the key of
Almirah and confined her wife in a room and went away after
committing loot in his house and all the accused persons were
concealing their face and took away mobile, ear rings, Mangal
Sutra, Asharfi, bangles and other ornaments has mentioned in



the house of the informant and from the house of the brother of the informant.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and name of the petitioner has transpired during investigation on the basis of confessional statement of co-accused, namely, Amit Kumar and the same has been recorded with respect to Bajpatti PS Case No. 168 of 2024 and except the confessional statement of co-accused person, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. It is next submitted that police after investigation has submitted charge-sheet and petitioner is in custody since 15.07.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of twelve cases other than the present case but fairly submits that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances that petitioner is not named in the FIR and the name of the



petitioner transpired on the basis of confessional statement of co-accused persons and till date no TIP has been conducted by the prosecution as well as period of custody, let the petitioner, above named, 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 Additional District and Sessions Judge, XIV, Sitamarhi in connection with Sahiyara P.S. Case No. 54 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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