

In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

**Abhishek K. Das
Sessions Judge,
East Champaran at Motihari**

Bail Petition No. 402 of 2026

Rustom Ali, aged about 25 years, S/o- Shakil Akhtar.
R/o village- Kawalpur, P.S. Turkauliya, District- East Champaran.

-----Petitioner.

Versus

The State of Bihar

-----Opposite party.

Counsel for the Petitioner :- Sri Kameshwar Prasad Sinha, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

10.03.2026

This is a bail petition filed on behalf of the petitioner, namely, Rustom Ali, who is in judicial custody since 15.12.2025 in connection with Sugauli P.S. Case No. 565 of 2019 for the offence u/s 392 of the Indian Penal Code.

In para-2 of the bail petition, it is mentioned that no other regular or anticipatory bail petition has been filed on behalf of the petitioner either in this court or before the Hon'ble Patna High Court. As per para-3 of the bail petition, the petitioner has two criminal antecedents vide (1) Bairiya P.S. Case No. 22/2020 and (2) Majhauliya P.S. Case No. 40/2020. As para-4 of the bail petition, the petitioner is in judicial custody 15.12.2025.

As per alleged F.I.R., the informant is an employee of Bharat Finance Company, its branch at Ramgarhwa. On 12.12.2019 at 6:00 PM he was going to Ramgarhwa after collecting money and when he reached at Sirkhandi canal, four persons boarded on motorcycle dashed him and looted his bag containing 1,60,000/- cash, a Samsung Tab and a biometric machine. The miscreants also snatched his purse containing cash Rs. 1800/- and fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence. The petitioner is not named in the F.I.R. and nothing has been recovered from his possession. His name surfaced in this case on the basis of co-called confessional statement of Vicky Kumar recorded in Majhauliya P.S. Case No.

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40/2020 which has got no evidentiary value in the eye of law. The petitioner has no concern with Vicky Kumar. On these basis, it is prayed to allow this bail petition.

The learned Public Prosecutor appearing on behalf of State has opposed the prayer for bail on the basis of materials available in the case diary.

Heard both sides and perused the record alongwith Trial Court Record. From perusal of the record, it transpires that the F.I.R. is registered against unknown persons, but name of the petitioner surfaced in this case from confessional statement of co-accused Vicky Kumar which is mentioned in para- 47 of the case diary, where he confessed his own involvement and stated about the involvement of the petitioner and other co-accused persons in commission of robbery from the informant. As per para-7, 8, 9, 10 of the case diary, the informant in his restatement and the witnesses have corroborated the version of F.I.R. As per per para- 48 of the case diary, Majhauriya P.S. Case No. 40/2020 is registered against the petitioner. As per para-178 of the case diary upto 20.02.2026 investigation is under progress. As per para-98 of the case diary, the petitioner has no criminal antecedent, but as per para-3 of the bail petition the petitioner has two criminal antecedents except the present case.

In the facts of the case as discussed above and keeping in view nature of allegation, materials available in the case diary and criminal antecedents of the petitioner as well as on going status of investigation, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of petitioner, namely, **Rustom Ali** stands **rejected**.

The petitioner will be at liberty to renew his prayer for bail after framing of charge, if so advised.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
10.03.2026