

IN THE COURT OF ADDL. SESSIONS JUDGE-II DISTRICT-KATIHAR

(Bail Petition No. 416 of 2026)

In the matter of

1.Md. Taiyab, aged about- 27 years, S/o Manjil
R/O- Dharampur, P.S.-Abadpur, Distt.- Katihar

-----Accused/Petitioner.

Vs

State of Bihar-----

-----Opposite Party.

Kadwa P.S. case No.- 351/2025

U/S- 334(1), 303(2), 317(2), 317(5) of the B.N.S.

Learned advocate for Petitioner- Shri Sumit Mukharji

Learned A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

14.05.2026 This petition for regular bail has been filed on the behalf of the accused namely Md. Taiyab who is in custody since 18.03.2026 in connection with Kadwa P.S. Case No. 351/2025 instituted U/S- 334(1), 303(2), 317(2), 317(5) of the B.N.S..

Heard the learned counsel Shri Sumit Mukharji appearing on the behalf of the petitioner and learned A.P.P. Shri Md. Ajaz Alam appearing on the behalf of the State and perused the lower court record along with case diary.

As per the written report of informant to this case namely Saddam Hussain, prosecution case in nutshell is that informant runs a shop under name and style Saddam Telecom near Kumhaddi, Dakbungalow Chowk. It is further alleged that on dated 19.12.2025, at about 06:00 o' clock villagers informed to the informant that the shutter of the said shop is in uprooted condition then, informant arrived at his said shop and saw that several articles have been theft and near about 10 to 15 new and old mobile phones of Oppo Company and laid 8 to 9 pieces had been stolen by the miscreants. Informant has further alleged that the face of miscreants are not clear in C.C.T.V. footage.

It would be pertinent to mention here that during the investigation name of present petitioner has surfaced in this case on the basis of confessional statement made by co-accused as well as his own confessional statement.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is quite innocent and has committed no offence at all and has falsely been implicated in this case. He has further submitted that the F.I.R. itself suggests unknown person and the petitioner never arrested

at the spot and nothing has been recovered from his possession. He has further submitted that the C.C.T.V. footage is not the perfect proof to prosecute any innocent person and there is no direct or indirect allegation for the said offence. Accused-petitioner is in custody since 18.03.2026. Accordingly, prayer has been made to allow the bail petition.

Per contra, learned A.P.P. appearing for the state assisted by the learned counsel appearing for the informant has opposed the prayer for bail.

Heard the both parties at length and perused the entire case record alongwith case dairy. From perusal of the case record it is evident that petitioner is not named accused of the F.I.R. and his name has been surfaced in this case on the basis of confessional statement made by co-accused as well as by the petitioner. It is further alleged that one T.V. was recovered from the hoarding of the Pual/straw situated at the petitioner in-laws village but there is nothing on record to show that said T.V. is stolen property. Moreover, police has already submitted charge-sheet against the petitioner and he is in custody since 18.03.2026.

So having consideration the above facts the bail petition is hereby allowed and it is ordered to release the petitioner namely Md. Taiyab, on bail on furnishing of bail bond of Rs. 10,000 with two sureties of the like amount each to the satisfaction of the court, with additional condition that accused-petitioner will file an undertaking to this effect that he will physically appear before the concerned court on each and every date till the framing of charge.

A.S.J.-II
Katihar

Date of Order	14.05.2026
Date of Reserving Order	N/A
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