

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

(Bail Petition No. 494 of 2026)

In the matter of

1.Md. Safique, aged about- 40 years, S/o Aminul Haque
R/O- Vill- Samserganj P.S.-Nagar (S) Katihar, Distt.- Katihar

-----Accused/Petitioner.

Vs

State of Bihar-----

-----Opposite Party.

Nagar (S) Katihar P.S. case No.- 426/2026

U/S- 305, 317(2), 317(4) of the B.N.S.

Learned advocate for Petitioner- Shri Imranul Haque

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

ORDER

27.05.2026 This petition for regular bail has been filed on the behalf of the accused namely Md. Safique who is in custody since 13.04.2026 in connection with Nagar (S) Katihar P.S. Case No. 426/2026 instituted U/S- 305, 317(2), 317(4) of the B.N.S.

Heard the learned counsel Shri Imranul Haque 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.

The prosecution case as per written report of informant to this case namely Amit Kumar Sharma, lodged a written report before S.H.O. Nagar (S) Katihar alleging therein that on alleged date of occurrence at about 01:00 A.M. in night copper wire of A.C. unit has been stolen from Citykart store, Mirchaibadi situated near Hanuman Mandir Ward no. 08.

So on the basis of written report of informant formal F.I.R. was registered against the unknown person but during the investigation one accused Suraj Kumar @ Nago was arrested and told that he used to sell stolen property to the accused-petitioner namely Md. Safique and one another accused namely Sunil Kumar Sah.

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 innocent and has falsely been implicated in this case by one Suraj Kumar @ Nago but later on the police also arrested petitioner. He has further submitted that the F.I.R. itself suggest unknown and the allegation levelled against the petitioner is totally false and fabricated. No offence is made out against the petitioner because seizure articles seized by the police is the personal

property of the petitioner and nothing has been recovered from the possession of the petitioner. Accused-petitioner has got two criminal antecedent and he is in custody since 13.04.2026. 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 alleged stolen property A.C. copper wire has been recovered on the instance of other accused namely Suraj Kumar @ Nago but any other incriminating article has not been recovered from the possession of petitioner. Furthermore, there is nothing on record to show that other articles which has been recovered from the possession of petitioner is stolen property. Further, petitioner is in custody since 23.04.2026.

So having consideration the above facts the bail petition is hereby allowed and it is ordered to release the petitioner namely Md. Safique, 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.

A.S.J.-II
Katihar

Date of Order	27.05.2026
Date of Reserving Order	N/A
Uploading Date	04.06.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar