

R.B.A. No. 216/2026

Md. Parvej AlamPetitioner

Versus

The State of Bihar

ORDER

27.04.2026 Ld. counsel moved this bail application filed on behalf of **petitioner namely, Md. Parweej Alam** who is in custody since 03.12.2025 in connection with Sonbarsa Raj P.S. Case No. 231/2025 for committing offence under section – 317(5) of Bharatiya Nyaya Sanhita and 25(1-B)a, 26 of Arms Act, and the same is pending in the court of Sri. Krishna Kumar, Ld. J.M. 1st Class, Saharsa.

Heard Sri Raj Kumar, Ld. counsel appearing on behalf of the petitioner and Sri Hari Shekhar Mishra, Ld. A.P.P. for the State.

Learned counsel for the petitioner submitted that petitioner is quite innocent and has committed no offence at all, rather has falsely been implicated into this case. No any bail application of this petitioner has ever been filed before this learned court or before Hon'ble High Court, Patna, prior to it. He further submitted that the petitioner is named in the FIR but neither he has been arrested at the spot nor any arms and any incriminating article has been recovered from the possession of the petitioner. Further he stated that, the petitioner has no concern with the alleged occurrence and section 317(5) BNS and 25(1B)a, 26 of Arms Act has been added falsely to make the case non-bailable and graver. Petitioner has criminal history who has been involved in two cases in which he is not on bail. Petitioner is in judicial custody since 03.12.2025. Petitioner is man of means and there is no chance of his absconding or tampering with the evidence and he is ready to abide by the conditions which may be imposed by this court. Therefore, Ld. counsel prayed that the petitioner may be enlarged on bail.

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Ld. A.P.P. vehemently opposed the prayer for bail on the ground that allegation against the petitioner is very serious in nature as he is habitual offender having two criminal antecedent and the petitioner got arrested by the police and the stolen motorcycle along with arms and ammunition were recovered from his conscious possession. Therefore, he does not deserve to be released on bail.

The prosecution story as based upon the written petition of informant namely, Sub-Inspector Sanjay Kumar Satyarthi, the Station House Officer of Sonbarsa Raj Police Station, reported that while conducting night patrolling and intelligence gathering with a police team on the night of December 2, 2025, he received credible information regarding the whereabouts of an absconding robbery suspect, **Md. Parvez Alam**. Acting on this tip, the team established a cordon near the Gazipaita Butha bridge, where they intercepted the suspect at approximately 00:15 hours as he attempted to flee on a motorcycle. Following a formal search witnessed by accompanying personnel due to the absence of independent witnesses at that hour, the police recovered a country-made pistol tucked into the suspect's waistband and two live cartridge. The suspect subsequently confessed that the motorcycle, bearing registration BR-43AB-8833, was stolen and had been used in a previous robbery and firing incident on November 23, 2025. Consequently, he seized the illegal weapon and vehicle, completed the audio-video documentation of the process, and formally arrested accused Md. Parvej Alam under the relevant sections and lodged the FIR.

Heard both sides and perused the case record. From perusal of case record, it appears that the FIR is lodged under section 317(5) of BNS and 25(1B)a,26 of Arms Act against the accused petitioner. As per allegation, petitioner along with other miscreants alleged to have committed robbery earlier and he was arrested by the police and the stolen motorcycle

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alongwith one country-made pistol and two live cartidge recovered from his conscious possession as per seizure list available on record. There are ample materials against the petitioner in the case diary which supports the case of prosecution. Further, in this case charge sheet has been submitted against the petitioner under sections 317(5) of BNS and 25(1-B)a, 26 of Arms Act and charge has also been framed on dated 20.04.2026. Further, petitioner has got criminal antecedent of two cases as per paragraph no. 3 of the bail petition vide. **1.** Saur Bazar P.S. Case No. 327/2025 u/s- 304(2) of BNS and **2.** Sonbarsa Raj P.S. Case No. 226/2025 u/s- 309(6), 109 of BNS & 27 Arms Act, which transpires that he is habitual offender. Petitioner is in judicial custody since 03.12.2025.

Having gone through the above discussions and considering the facts and circumstances of the case and also keeping in view the gravity of offence and criminal antecedent of the accused-person, it is not justiciable to enlarge him on bail. Hence, the bail application of accused-petitioner **namely, Md. Parvej Alam is hereby Rejected with direction that, if the trial will not be concluded within two months from the date of framing of charge then the petitioner may get the privilege to file a fresh bail petition.**

(Dictated & corrected by me)

Sd/-

Distt. & Addl. Sessions Judge-II,
Saharsa. Dated: 27.04.2026