

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15137 of 2025

Arising Out of PS. Case No.-195 Year-2024 Thana- MOUZA HIDPUR District- Bhagalpur

Md. Abu Sahid @ Md. Abu Shahid @ Abu Sahid S/o- Md. Islahi @ Abu Bakar Resident of Hussainganj, near Pakija Chowk, Ps-Mojahidpur, Dist-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 02-04-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. Learned counsel for the petitioner is permitted to file supplementary affidavit in course of the day and the same is kept on record.

3. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 954 of 2024 arising out of Mojahidpur P.S. Case No. 195 of 2024 dated 29.08.2024 registered for the offences punishable u/s 103(1) of the BNS.

4. As per the prosecution case, the informant received information that her younger son Abu Sahid (the petitioner) stabbed her elder son Abu Nasar with knife and killed him and



after killing him, he himself went to police station. Thereafter, police came to the house and saw that the dead body of the elder son of the informant, namely, Abu Nasar was lying in the room soaked in blood. It is further alleged that the elder son of informant was mentally weak and he always used to do mar-pit due to which all the family members were troubled by him. The informant was also living with her daughter out of fear. It is further alleged that due to annoyance and in aggression, the informant's younger son Abu Sahid stabbed his elder brother (Abu Nasar) with knife due to which he died, accordingly the F.I.R. was registered.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no eyewitness to the alleged occurrence. As per the supplementary affidavit filed on behalf of the petitioner, it is further stated that the informant/ mother of the deceased (PW1) has been examined during the course of trial and she has not supported the prosecution case against the petitioner and she has stated that, she has signed on the paper in which nothing was written from before and she has also stated that her (deceased) was not mentally fit and habitual of taking intoxicant material. The informant/ mother of the deceased (PW1) has



deposed that she did not hear who killed her elder son. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.08.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Sessions Trial No. 954 of 2024 arising out of Mojahidpur P.S. Case No. 195 of 2024, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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