

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37965 of 2025

Arising Out of PS. Case No.-378 Year-2024 Thana- PAHARPUR District- East Champaran

Habib Miya @ Habib Ansari Son of Late Nahuni Miya R/O Village - Sathan
Takiya Tola, P.S.- Pahadpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Eashita Raj, Adv.
For the Opposite Party/s	:	Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 20-08-2025 Heard learned Senior counsel for the petitioner as well as
the learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Pahadpur P.S. Case No. 378 of 2024, registered for the offences
punishable under Sections 103, 302 IPC and 3(5)/34 of the IPC of the
BNS and Section 27 of the Arms Act.

3. According to FIR, the brother of the informant was
returning to his home by his motorcycle and the informant was
following him by a bicycle. The seven named accused persons,
including the petitioner intercepted the motorcycle of brother of the
informant and they assaulted him with fists and slaps and later on,
the petitioner fired, which hit the deceased in the scapular region. Co-
accused Jalaluddin Ansari also fired which hit the chest of the
informant's brother. He died on the spot.

4. Mr. Yogesh Chandra Verma, learned Senior Counsel for



the petitioner has submitted that a number of civil and criminal litigation are ongoing between the parties, which is the reason for the false implication of the petitioner. His further submission is that the father of the petitioner has sent a letter addressed to the Superintendent of Police, taking the plea of alibi of his son at the time of the occurrence. It has also been submitted that, according to allegation, soon before the deceased was shot dead by the petitioner and co-accused Jalaluddin Ansari, he was beaten by the co-accused persons, which makes the prosecution case suspicious.

5. Learned counsel for the State assisted by learned counsel for the informant has submitted that the petitioner is direct assailant who fired at the scapular region of the deceased. According to post-mortem report, firearm injury was found on the person of the deceased.

6. In my view, the petitioner does not deserve the privilege of bail, which is hereby *rejected*.

(Nawneet Kumar Pandey, J)

Nirmal/-

U		T	
---	--	---	--

