

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34561 of 2025

Arising Out of PS. Case No.-296 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Habib Sah S/o Makbul Sah R/o Village- Badlu Tola, P.S.- Chapra Muffasil, District- Saran at Chapra (Bihar)
2. Noor Mohammad @ Noor Mohammad Sah S/o Habib Sah R/o Village- Badlu Tola, P.S.- Chapra Muffasil, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Nath Ojha
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-11-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners is permitted to make necessary correction in para 9 of the bail petition during the course of the day.

3. Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with regard to the petitioner no.1 (Habib Sah).

4. Permission is accorded.

5. Accordingly, the anticipatory bail application is dismissed as withdrawn with regard to the petitioner no.1 (Habib Sah).



6. The petitioner is apprehending his arrest in a case in connection with Chapra Mufassil P.S. Case No. 296 of 2024 dated 23.05.2024 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code.

7. As per the prosecution case, on 18.05.2024, the elder aunt of the informant namely, Najima Khatoon went to the house of his neighbour in a marriage ceremony and on returning to the house then the petitioner and the co-accused persons having lathi, danda and sword in their hand came there and started abusing and challenging Najima Khatoon and when she raised objection, all the accused persons started badly assaulting her. The co-accused, Azad Sah assaulted Najima Khatoon with lathi on her head due to which, her head was ruptured and blood started oozing out. When the other family members of the informant came to save her, they were also assaulted by the accused persons due to which they became injured. Neighbour came there and rescued the informant's side. All the injured were taken to the hospital for treatment and during the course of treatment, Najima Khatoon died.

8. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 06.05.2024 but the



F.I.R. was lodged on 23.05.2024 and there is no explanation for this delay. There is no specific allegation against the petitioner rather the specific allegation of assault is against the co-accused Azad Sah and Noor Mohammad. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged offence. The co-accused person has already been granted regular bail by this court vide order dated 27.03.2025 passed in Cr. Misc. No. 15082/2025. The petitioner has clean antecedent as stated in para 3 of the bail petition.

9. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that as per the post-mortem report of the deceased Najima Khatoon, the cause of death is due to head injury caused by hard and blunt object.

10. Considering the aforesaid facts and circumstances of the case, let the above named petitioner no.2 (Noor Mohammad @ Noor Mohammad Sah), in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Saran in connection



with Chapra Mufassil P.S. Case No. 296 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

11. The application stands allowed.

(Chandra Prakash Singh, J)

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