

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47656 of 2025

Arising Out of PS. Case No.-481 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Md. Shahbaz @ Md. Shahbaz Khan S/o Md. Firoj Khan @ Md. Firoj R/o vill
- Hakpara, ward no. 14/5, P.S.- Saharsa, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46862 of 2025

Arising Out of PS. Case No.-481 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Md. Firoz S/o- Md. Jumman (Late) @ Jumman Mian Village- Hakpara W.No-
14/5, Ps- Saharsa Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 47147 of 2025

Arising Out of PS. Case No.-481 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Md. Mazmuddin @ Nadeem @ Nadeem Alam Son of Md. Jamal Village-
Hakpara Ward No 5 P.s -Saharsa District -Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 47498 of 2025

Arising Out of PS. Case No.-481 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Md. Shamsher S/o- Late Md. Shammad R/o- Hakpara W.No-5, Ps- Saharsa
Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 47789 of 2025

Arising Out of PS. Case No.-481 Year-2025 Thana- SAHARSA SADAR District- Saharsa

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Md. Shamsudin @ Bablu S/O Md. Mahram R/O Hakpara, Ward No. 05, P.S- Saharsa, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 56937 of 2025

Arising Out of PS. Case No.-481 Year-2025 Thana- SAHARSA SADAR District- Saharsa

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Md Intekhabul @ Pitthu Son of Md Jamal Uddin R/o Village - Hakpara, Ward No. 13, P.O. - Nandlali, P.S. - Saharsa Sadar, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 47656 of 2025)
(In CRIMINAL MISCELLANEOUS No. 46862 of 2025)
(In CRIMINAL MISCELLANEOUS No. 47147 of 2025)

For the Petitioner(s) : Mr. Ajay Kumar Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.

For the State : Mr.Jagdhar Prasad, APP in all 3 cases

(In CRIMINAL MISCELLANEOUS No. 47498 of 2025)
(In CRIMINAL MISCELLANEOUS No. 47789 of 2025)

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Adv.
Mr. Kumar Rajdeep, Adv.
Ms. Diksha Kumari, Adv.
Ms. Saroj Chaudhary, Adv.

For the State : Mr.Shantanu Kumar, APP
Mr.Choubey Jawahar, APP

(In CRIMINAL MISCELLANEOUS No. 56937 of 2025)
For the Petitioner : Mr. Rakesh Kumar Sharma, Adv.



For the State : Dr. Ajeet Kumar, APP

A N D

For the Informant
in all six cases : Mr. Vindhyachal Singh, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 08-09-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutors in all the aforesaid cases and learned senior counsel appearing on behalf of informant.

2. The petitioner (in all the aforesaid six cases) apprehends his arrest in Saharsa Sadar P.S. Case No. 481 of 2025, registered for the offence under Sections 109, 61(2), 118(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act and later on, Section 103(1) of B.N.S. was added in F.I.R.

3. The prosecution case, in brief, is that on 22.04.2025 at about 6:30 PM, the husband of informant namely Md. Fakruddin after discharging his work was returning to his house from Saharsa Kachahari and arrived near Shivpuri Trimurti Chowk, where two unknown persons riding on a motorcycle fired in his stomach and fled away. The husband of informant was soaked in blood and fell down, whereafter, a local person through mobile of informant's husband informed informant about the incident and also got admitted informant's husband Fakruddin in injured condition in Surya Hospital. Having



received said information, the informant came to Surya Hospital where her husband was admitted and his treatment was going on. The informant suspects that due to land dispute, these petitioners, in connivance with other co-accused persons, by hatching a criminal conspiracy got her husband killed, since due to land dispute, these persons had earlier also committed *Maarpit* with her husband.

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4. Learned counsel for the petitioner in aforesaid two cases submits that petitioners of these cases are not named in the F.I.R. and their name transpired during course of investigation in the confessional statement of one Md. Owaish. He further submits that police also recorded statement of husband of informant, while he was being treated in hospital, and in the statement, the husband of informant stated that two unknown persons committed the occurrence and has not named these petitioners. Petitioners claim clean antecedent.

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Re. Cr.Misc. No. 47789 of 2025

5. Learned counsel for the petitioners (in aforesaid four cases) submits that though, petitioners are named in the



F.I.R., but informant has raised only suspicion against them. Informant is not eye-witness to the occurrence. During investigation, police recorded statement of husband of informant, while he was being treated in hospital, in which, he stated that two unknown persons committed the alleged offence. During investigation, in the CCTV footage, two persons were seen moving on a black-red colour motorcycle at the place of occurrence. Neither petitioners were seen in the CCTV footage nor husband of informant has named them during investigation, while being treated in Surya Hospital. At best, the petitioners can only alleged to be conspirator because of land dispute.

6. Learned senior counsel for the informant vehemently opposes aforesaid bail petitions and submits that these petitioners do not deserve anticipatory bail, since by entering into a criminal conspiracy, they hatched a plan to commit murder of Md. Fakruddin (husband of informant) with the help of some other persons due to admitted land dispute. Some of the petitioners have got criminal antecedent also.

7. Considering the fact that informant is not eye-witness to the occurrence and husband of informant did not disclose the name of petitioners in the statement before police in hospital, all the aforesaid six bail petition are allowed.



8. Accordingly, let the petitioner, as named above in all the aforesaid six bail petitions, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa / concerned Court in connection with Saharsa Sadar P.S. Case No. 481 of 2025, subject to condition as laid down under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J.)

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