

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48373 of 2025**

Arising Out of PS. Case No.-237 Year-2024 Thana- BALIYA District- Begusarai

Md Sarfaraz S/o Md. Savir R/o Vill- Shakti Chaura, P.S.- Balia, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Jyoti Ranjan Jha, Advocate |
| For the Opposite Party/s | : | Mr. Zainul Abedin, APP         |
| For the Informant        | : | Mr. Ashok Kumar, Advocate      |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

3      03-09-2025              Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2.      The petitioner seeks bail in connection with Balia P.S. Case No. 237 of 2024 instituted for the offences under Sections 326(g), 103(1), 61(2), 124(1), 109(1) of the Bhartiya Nyaya Sanhita.

4.      As per prosecution case, some persons came in the house of the Informant and throw petrol over the body of her father Sabir Hasan and brother Md. Arman and set them into fire due to which both of them got serious burn injury. It is alleged that both of them died in course of their treatment.

5.      Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation on the basis of the statement of the injured Md. Arman which is recorded in Para-76 of the case diary. The petitioner has not committed any offence as alleged in the F.I.R. There is no specific or direct allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The specific allegation of calling his associates for assaulting the Informant's father is allegedly against petitioner. The postmortem report does not support the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 01.08.2024 respectively without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. In para-76 of the case diary, the injured Md. Arman has taken the name of the petitioner of involved in the alleged occurrence as the one who set the fire. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 326(g), 103(1), 61(2),



109(1), 3(5) of the Bhartiya Nyaya Sanhita. Bail of other co-accused has been rejected by this Court vide order dated 07-04-2025, passed in Cr. Misc. No. 1197 of 2025.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is *rejected* with a direction to the court below to expedite the trial and conclude the same expeditiously.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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