

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53844 of 2025

Arising Out of PS. Case No.-332 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Md. Isarail @ Md. Isarail Khan Son of Late Hanif Marhum village- Hakapara
Ward no. 14/05, Ps- Saharsa, Dist- Saharsa Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP
For the Informant : Mr. Alok Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2025 Heard learned counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of
the State.

2. The petitioner seeks bail in connection with
Saharsa Sadar P.S. Case No. 332/2025, registered for
the offence under Sections 126(2) 352 109, 3(5) of
BNS and Section 27 of Arms Act, later on Section
103(1) of BNS and Section 25(1-b) a 26/35 of the Arms
Act added.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 16.03.2025.

4. As per FIR, petitioner alongwith other
named and unknown co-accused persons shot dead
the brother of the informant on 15.03.2025 at about
4.40 PM.

5. Learned Counsel appearing on behalf of the



petitioner submitted that from the facial perusal of the FIR itself, it can be gathered safely that *prima facie* no overt act appears attributed to this petitioner. It is pointed out that maximum allegation, which can be gathered against petitioner is to hold the handle of the motorcycle of the deceased and also to abuse. It is pointed out that the specific allegation *qua* assault is available against sons of this petitioner, namely, Md. Monajir and Md. Mojahir. It is submitted that out of previous enmity, the petitioner who is 60 years old and father of main co-accused, implicated with present case without having any cogent material. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Mr. Alok Anand, learned counsel appearing for the informant, while opposing the prayer of bail submitted that the petitioner actively involved during the occurrence, however, he could not disputed the factual submission, as advanced by learned counsel appearing for the petitioner.



8. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* no overt act appears to attributed *qua* petitioner, where the thrust of allegation to cause fatal firearms is available against his sons, namely, Md. Monajir and Md. Mojahir, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 16.03.2025, who is a man of clean antecedent, accordingly, petitioner above named, is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 332/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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