

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57965 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- AMDABAD District- Katihar

1. Saheb @ Md. Saheb S/o- Azizul Rahman @ Nepali @ Azizul Haque
Resident of Village- Chowkiya Paharpur (Sabar Tola) PS- Amdabad District-
Katihar
2. Md. Basir @ Basir S/o- Gullu Hussain @ Samir Jalal Resident of Village-
Chowkiya Paharpur Bandh PS- Amdabad District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Amdabad P.S. Case No. 39 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 109, 351(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

03. As per prosecution case, the petitioner abused and assaulted the informant as he has been taking side of one Amir. In the scuffle taking place between the informant and the petitioner no.1, the petitioner no. 2 drew out a pistol and shot at the informant who ducked and shot missed him.

04. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is apparent that petitioner no. 1 gave a fist blow to the informant, who in turn also assaulted him and put him down and thereafter, petitioner no. 2 fired upon him but the shot missed him. But no such firing was resorted to by the petitioner no. 2. Nothing incriminating has been recovered from the person or possession of the petitioners. As a matter of fact, the petitioners and informant were friends, some dispute arose between them and the present case has been lodged by the informant against the petitioners on false and fabricated ground. No such occurrence as alleged in the FIR has taken place. The petitioners are in custody since 23.05.2025 and charge-sheet has been submitted. The petitioners are having antecedent of three cases and they are on bail in two such cases.

05. Learned APP for the State opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released 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 Judicial Magistrate-1st Class, Katihar/court concerned in connection with Amdabad P.S. Case No. 39 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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