

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61256 of 2025

Arising Out of PS. Case No.-149 Year-2025 Thana- IMAMGANJ District- Gaya

1. Azahar Khan @ Azahar Zama Khan S/O Late Quamru Zama Khan R/O Vill.- Badhi Khap, P.S.- Imamganj, Dist.- Gaya.
2. Akhtar Khan @ Akhtar Zama Khan S/O Late Quamru Zama Khan R/O Vill.- Badhi Khap, P.S.- Imamganj, Dist.- Gaya.
3. Adil Zama Khan @ Md. Adil Zama S/O Late Quamru Zama Khan R/O Vill.- Badhi Khap, P.S.- Imamganj, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate.
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 10-12-2025 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Imamganj P.S. Case No. 149 of 2025 registered for the offence punishable under Sections 191(2), 190, 126(2), 115(2), 109, 74, 303(2), 351(2) of BNS.

3. As per the allegation made in the F.I.R., all the accused persons including the petitioners with a common intention to kill the informant entered into her house. Allegation against the petitioner no.1 is that he along with Aftab Khan had assaulted the informant with *tangi*, though he was seen with



pistol. So far as petitioner nos. 2 and 3 are concerned, allegation against them is that they along with one Ekrar Khan assaulted the son and daughter of the informant by means of lathi and other weapons causing injury on the left finger of Adnan, son of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that from the very perusal of the F.I.R., the allegations are vague against the petitioners. So far as injury sustained by the informant is only one and it cannot be attributed solely to the petitioner no.1. So far as injury sustained by Adnan is concerned, as per opinion of the doctor, the same is on his left finger. Allegation is that petitioner nos. 2 and 3 along with Ikrar kahn had assaulted the son of the informant, which also cannot be attributed to the petitioner nos. 2 and 3, as such the allegation levelled against them is general and omnibus. In absence of any specific allegation against the petitioners, they deserve to be released on pre-arrest bail.

5. Mr. Arvind Kumar Singh, learned counsel has tendered his appearance on behalf of the informant and submitted that the injury sustained by Adnan is grievous in nature and all the three petitioners with a common intention tried to kill the informant and his son. Hence the petitioners



don't deserve to be released on bail.

6. Learned APP for the State has also supported the argument advanced on behalf of the informant. However, he informs that both the informant and his son sustained only one injury each. as recorded in Para-20 and 23 of the case diary.

7. Having considered the rival submissions made on behalf of the parties and having perused the allegation made in the F.I.R., as well as, the material which has been collected in course of investigation, and also taking into account the fact that arising out of the same incidence, there is case and counter case between the parties, I find that in absence of any specific allegation against all these petitioners, they have, prima facie, made out a case to be released on bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending in connection with Imamganj P.S. Case No. 149/2025, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.



9. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

10. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

