

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68174 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- GAUNAHA District- West Champaran

Sariyat Alam Khan @ Sariyat Alam @ Sariyat Khan S/o- Late Mahamjaan
Khaan @ Maham Jan Khan Resident of village- Ward no- 09 Madhpur PS-
Gaunaha Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shashank Chandra- Advocate
For the Opposite Party/s :	Mr. Jagdhar Prasad
	Mr. Bimlesh Kumar Pandey-Adv. For Informant
	Mr. Chandra Bhushan Prasad, Ld. App

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-10-2025 1. Heard learned counsel for the petitioner, the
learned counsel appearing on behalf of the informant and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Gaunaha P. S. Case No.67 of 2025 registered for the
offences punishable under Sections 191(2), 191(3), 190, 126(2),
115(2), 118(1), 109(1), 103(1) of the B.N.S.

3. The Investigating of the case in compliance of the
order dated 26.09.2025 is present in the Court.

4. The learned counsel for the petitioner submits that
the petitioner has antecedent of 11 cases. It is next submitted
that informant, who is mother of the deceased, alleges that she



along with some of her family members had gone to the filed, when accused persons came and Adnan, Ayan, Aman Kamal, Adnan Kamal and Dolar stabbed her son causing injury on his abdomen, further Imranul, Shabnam and Kyamuddin Kamal assaulted her brother Wasim Akhtar by *lathi* and knife causing injury on head, thereafter Nazir, Firoz and Ekbal stabbed Basim Sah causing injury in his stomach and also cut his two fingers, thereafter, accused fled and injured were taken to hospital, but her son died on the way.

5. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner was not even present at the place of occurrence, as such, when he came to know about his implication, accordingly, his son represented before the Superintendent of Police, West Champaran and the D.I.G., West Champaran Range for holding a fair investigation and not to be persuaded by the fact that petitioner has antecedent of 11 cases. It is also submitted that since petitioner has antecedent of 11 cases that in itself should not be a ground for rejecting the anticipatory bail application of the petitioner rather the allegation also is required to be appreciated. It is further submitted that though petitioner is named in the FIR, but



then, no overt act has been alleged and this is for the reason that petitioner was not present at the place of occurrence. It is also submitted that videography of the occurrence was also done and in the video footage also the petitioner is not seen.

6. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel for the informant submits that what is no in dispute rather stands admitted is that son of the informant died and Basim Sah was inflicted with stabbed injury, but then, the video footage of the occurrence does not even remotely suggest that Basim Sah was stabbed. It is further submitted that it appears that after the occurrence was over, the videography was done in which some of the accused persons who are named in the FIR were found at the place of occurrence. It is next submitted that informant is mother of the deceased and it does not appear probable that mother would implicate someone, who was not involved in the occurrence of killing of her son. It is further submitted that during the course of investigation based on representation of the son of the petitioner, the allegations were inquired and the eye witnesses named the petitioner that he was also present at the place of occurrence. It is further submitted that Wasim Akhtar and Basim



Sah's statement were recorded by the police at Para-43 and 44 of the case diary wherein they have supported the case of the prosecution and Basim Sah at Para-44 has stated that he was stabbed by Nazir, Firoz and Ekbal (petitioner in Cr. Misc. No.69523 of 2025. Further, Basim Sah received three incised wounds also. The learned counsel appearing on behalf of the informant thus submits that presence of the accused persons at the place of occurrence emboldened the other accused to commit such a heinous occurrence.

7. The Investigating Officer of the case, who is present in the Court, also submits that based on the representation of the son of the petitioner the plea of alibi of the petitioner was investigated. It is submitted that though there is no digital fruit print showing presence of the petitioner at the place of occurrence, but then, eye witnesses have supported the allegation as alleged in the FIR by the informant that petitioner was also present at the place of occurrence. It is also submitted that investigation in the case is continuing and process under Section 82 Cr.P.C. has been issued.

8. Considering the submissions made by the learned A.P.P. and the learned counsel appearing on behalf of the informant and the Investigating Officer of the case, the Court is



not inclined to extend the privilege of anticipatory bail to the petitioner.

9. The prayer of the petitioner for anticipatory bail stands rejected.

10. The personal appearance of the Investigating Officer is dispensed with.

(Satyavrat Verma, J)

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