

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76009 of 2025

Arising Out of PS. Case No.-595 Year-2022 Thana- BAHERA District- Darbhanga

Md. Shabbir @ Shabbir Ahmad, (Male), aged about 64 years, S/o Late Md. Ali Hassan @ Late Md. Ali Hasswan, Resident of Village- Badarbanna, P.S - Bahera, District - Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Harsh Singh, Advocate, Mr. Abhijeet, Advocate and Mr. Shashi Ranjan Kumar, Advocate
For the Opposite Party : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 27-11-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 386 of 2024, arising out of Bahera P.S. Case No. 595 of 2022 dated 18.11.2022 registered for the offences punishable under Sections 341, 323, 307, 379, 147, 148, 149 and 427 of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

3. As per the prosecution case, on 10.11.2022 at about 8.00 P.M., the informant was coming to his village by the Pick-up Van, in the meantime, the accused persons, namely, Kamrul Hassan, Md. Ekram @ Afzal, Md. Shakil, Md. Barik, Sarfaraz,



Md. Sajid, Md. Kafil @ Gorkha, Tajuddin, Parwez, Md. Shabbir, Jahira Bano, Rahat, Afza, Jarian Khatoon and Md. Sohrab surrounded and assaulted him with knife, iron rod and lathi, due to which, he became unconscious and threw him by the side of the road and took away Rs. 5,000/- cash, his mobile and key of the vehicle. On getting information, his family members came there and took him for treatment to P.H.C., Bahera from where he was referred to D.M.C.H., where seeing serious condition, the doctor referred him to Patna at night but due to lack of means to take Patna for better treatment, the deceased was admitted to private hospital in Darbhanga where the treatment was going on and during the course of treatment, the informant succumbed to the injuries.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is case and counter case between the parties. The petitioner is an old man and he has falsely been implicated in the present case only because he happens to be the father of the informant in Bahera P.S. Case No. 533 of 2022 and the relative of other co-accused persons. There is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. The



alleged occurrence took place on 10.11.2022 and the F.I.R. has been lodged on 18.11.2022 and there is a delay of eight days in lodging the F.I.R., and no explanation for such delay has been given by the prosecution. It is further submitted that the deceased had died after ten days from the date of the alleged occurrence. There is no eye witness to the alleged offence. It is further submitted that the other co-accused person, namely, Rahat Afza @ Sahana, has already been granted bail by another Co-ordinate Bench of this Court in Cr. Misc. No. 19361 of 2025 vide order dated 12.09.2025, annexed as Annexure-P/5 to the present bail application. The petitioner has three criminal antecedents as stated in paragraph no. 3 of the bail petition but the learned counsel for the informant has submitted that the petitioner has two other cases apart from the three cases but that has not been mentioned in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 11.03.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Benipur, Darbhanga in connection with Sessions Trial No. 386 of 2024, arising out of Bahera P.S. Case No. 595 of 2022 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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