

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74073 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- DHANGAI District- Gaya

1. Md. Yusuf Havvari @ Ishu Miyan S/O Shamsuddin Miyan @ Nanku Miyan @ Md. Shamsuddin Miyan Resident Of Village- Diwaniyan, Kajratand, P.S.- Barachatti, District- Gaya
2. M. Sabir Alam @ Sabir Miyan S/O Md. Yusuf Havvari @ Ishu Miyan Resident Of Village- Diwaniyan, Kajratand, P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-11-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in a case registered for offence under Sections 126(2), 115 (2), 352, 351 (2), 352 (3), 109 & 3 (5) of the BNS and later on, Section 103 (1) of the BNS added.

3. The case of the prosecution, in brief, is that these petitioners along with other F.I.R. named co-accused persons assaulted father of informant by means of bricks on his head, chest and hand, due to which, father of informant became unconscious and died during the course of treatment after four



days of the alleged occurrence.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Allegation of assault is general and omnibus. It is the specific case of the prosecution that all the accused persons assaulted the deceased with bricks, but in the *post-mortem* report, the doctor has not found any *ante-mortem* injuries on the persons of the deceased and has kept the opinion reserved regarding cause of death and thus, the *post-mortem* report and the allegation, made in the F.I.R., does not correlate. Similarly situated co-accused namely Faiyaz Amad and Sarbar Alam have already been granted bail by a coordinate Bench of this Court, vide order dated 15.09.2025 passed in Cr.Misc. No. 46133 of 2025. Petitioners are in custody since 02.08.2025. Chargesheet has been submitted.

5. Learned A.P.P. for the State vehemently opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati District - Gaya in connection



with Dhangai P.S. Case No. 46 of 2025.

(Prabhat Kumar Singh, J)

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