

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84889 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- KADWA District- Katihar

1. Dilkhush Alam @ Dilkhush S/O Kurra @ Hasibur Rahman Resident of Village- Bijhara, P.S.- Balia Belon, Dist.- Katihar
2. Nosir Alam @ Md. Nosid Alam @ Nosid Alam @ Md. Nosid S/O Kurra @ Hasibur Rahman Resident of Village- Bijhara, P.S.- Balia Belon, Dist.- Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party	:	Mr. Rana Randhir Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Kadwa P.S. Case No. 85 of 2025, dated 15.04.2025 registered for the offence punishable under Sections 126(2), 115(2), 109, 76, 303(2), 351(2), 3(5), 118(1) of B.N.S and section 27 of Arms Act.

3. As per the FIR, petitioners and other surrounded the informant and it is alleged that co-accused Riyaz at the point of pistol forcibly dragged him and took him to the house of Md. Khurshid. It is further alleged that co-accused Riyaz fired a pistol at the informant with intention to kill and also hit him on the head with the pistol due to which he fell on the ground. It is further alleged that co-accused Riyaz assaulted informant by means of spade as a result of which he



sustained injury on head. It is further alleged that all the accused persons assaulted informant with sticks and iron rods causing multiple injuries and it is alleged that co-accused Riyaz and Dilkhush Alam (petitioner no.1) assaulted Sabnoor Khatoon and outrage her modesty. Thereafter, co-accused Riyaz and other accused looted Rs. 80,000 (Rupees Eighty Thousand) from her house and Nausir Alam (petitioner no. 2) forcibly snatched a gold chain from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel for the petitioners submits that allegation of overt-act is mainly against co-accused Riyaz which can be gathered from the impugned order while the allegation against petitioner no.1 is to outrage the modesty of Sabnoor Khatoon which is ornamental in nature and the same is being denied by the counsel for the petitioners. With respect to petitioner no.2 there is nothing specific which could also be borne out from the order impugned. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. On the other hand, learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, the specific allegation of assault is against co-accused Md. Riyaz, keeping in view clean antecedents of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court within a period of six weeks from



today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 85 of 2025 , subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

- (i) One of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;
- (ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(Ajit Kumar, J)

vashudha/-

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