

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79568 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- Sarbahada District- Gaya

1. Md. Shahjad @ Azad Alam @ Md. Sahzad S/o Guddu Alam @ Md. Exbal R/O Vill.- Kabirpur, P.S.- Sarbahada, District- Gaya
2. Md. Shagid @ Sahid Alam @ Md. Sahid S/o Guddu Alam @ Md. Exbal R/O Vill.- Kabirpur, P.S.- Sarbahada, District- Gaya
3. Mojsim @ Mojsim Alam @ Md. Mojsim S/O Nazir Mian @ Md. Nazir R/O Vill.- Kabirpur, P.S.- Sarbahada, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyaveer Jha, Advocate

Mr. Rana Pratap Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Sarbahada P.S. Case No. 75 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 3(5) of the B.N.S and under section 27 of the Arms Act.

3. As per prosecution case, petitioners and others are said to have armed with *lathi*, *paina* and deadly weapon and started abusing the informant. Upon protest by the informant's husband, Sahid Alam (petitioner no. 2) is said to have fired at him with the intention to kill; however, he narrowly escaped. It



is further alleged that two empty cartridges were recovered from the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. There is no specific allegation against petitioner nos. 1 and 3, rather allegations general and omnibus in nature. There is specific allegation against petitioner no. 2, who is said to have fired upon informant's husband. He further submits that there is inordinate delay of 18 hours in lodging the FIR as occurrence took place on 06.07.2025 at 10:00 p.m. and FIR has been lodged on 07.07.2025 at 04:20 p.m. and no plausible explanation has been given regarding the said delay. He further submits that, on perusal of the F.I.R., it appears that no member of the informant's family has sustained any injury. Petitioner nos. 2 and 3 having no criminal antecedent whereas petitioner no. 1 having one criminal antecedent in which he is already on bail.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation against petitioner no.2, who is said to have fired upon the informant's husband and the same is supported by empty cartridge which is recovered by police from the place of



occurrence mentioned in paragraph 6 of the case diary , hence petitioner no. 2 does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, there is no specific allegation against the petitioner nos. 1 and 3, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner nos. 1 and 3, above named, **except petitioner no. 2** in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 A.C.J.M. IV, Gaya in connection with Sarbahada P.S. Case No. 75 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.

7. So far as petitioner no. 2, namely, Md. Shagid @ Sahid Alam @ Md. Sahid is concerned, there is specific allegation against petitioner no.2, who fired upon informant's husband coupled with recovery of empty cartridge, which is recovered by police from the place of occurrence as mentioned impugned order. Hence, I am not inclined to grant the privilege of anticipatory bail to petitioner no.2. Accordingly, prayer for anticipatory bail of the petitioner no. 2 is hereby rejected.



8. The application stands disposed of.

9. However, the petitioner no. 2 is directed to surrender before the concerned court within three weeks from the date of receipt of the order. If petitioner no.2 surrender and seek regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudice by the order of this Court.

(Alok Kumar Pandey, J)

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