

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85501 of 2025

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

Sariyat Alam Khan @ Sariyat Alam S/o Late Mahamjaan Khaan @ Maham Jan Khan Resident of - Ward No. 9, Village - Madhopur, P.S - Gaunaha, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vatsal Verma, Advocate
For the State	:	Mr. Arun Kumar, APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Gaunaha P.S. Case No. 67 of 2025 dated 12.05.2025, registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109(1) and 103(1) of the B.N.S., 2023.

3. As per the prosecution case, the petitioner and seventeen other co-accused persons, who were armed with knife, *farsa* and *lathi* came to the land of the informant and five co-accused persons brutally stabbed the son of the informant to death. When the cousin of the informant came for rescue of the son of the informant, this petitioner and two other co-accused persons assaulted him with *lathi* and knife, causing fracture of



his head. The brother of the informant was also stabbed by three co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. There is no allegation of assaulting the deceased against this petitioner. In fact, on the alleged date of occurrence the petitioner was not even present at the place of occurrence, rather he had gone to attend one religious ceremony in a different village. There is no specific allegation of any assault or overt act attributed against this petitioner, rather the allegation attributed against him is general and omnibus. Learned counsel further submits that the injury report of the injured person suggests that injury is simple and the dimensions of the injuries reflect that injuries are superficial. There is case and counter case between the parties and Gaunaha P.S. Case No. 79 of 2025 has been lodged against the informant's side. Learned counsel next submits that a number of co-accused persons have been granted bail *vide* orders dated 02.09.2025 and 22.09.2025 passed in Cr. Misc. No. 59983 of 2025 and Cr. Misc. No. 67010 of 2025 respectively and another co-accused person namely, Shabnam Khatoon has been granted the privilege of anticipatory bail by a learned co-ordinate Bench



of this Court *vide* order dated 12.09.2025 passed in Cr. Misc. No. 62067 of 2025. Another co-accused person namely, Kamaluddin Kamal @ Kayamuddin Kamal has also been granted regular bail by this Court *vide* order dated 01.12.2025 passed in Cr. Misc. No. 80301 of 2025. Learned counsel next submits that petitioner is having antecedent of 11 cases and he is in custody since 30.10.2025.

5. Learned A.P.P. appearing on behalf of the State as well as learned counsel for the informant oppose the submissions made on behalf of the petitioner. Learned counsel for the informant submits that the co-accused Shabnam, being a lady, has been granted the privilege of anticipatory bail by a learned co-ordinate Bench of this Court. Moreover, the petitioner and other co-accused persons brutally stabbed the son of the informant to death.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of any assault or overt act against this petitioner, coupled with the fact that the injury inflicted upon the injured person is found to be simple in nature and further considering his period of custody, the petitioner, above-named, is directed to be released on bail, on furnishing bail



bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, West Champaran / concerned Court, in connection with **Gaunaha P.S. Case No. 67 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioner on single date or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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