

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1197 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- BALIYA District- Begusarai

1. Md. Tanvir Alam @ Md. Tanvir son of Sabir Resident of village - Satichaura, Ps- Balia, Dist- Begusarai
2. Niyamul Rain @ Md. Niyabul son of Md. Jinnat village- Lakhminia, Ps- Balia, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hafiz Shahbaz Arif, Adv.
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 07-04-2025 Heard learned counsel for the petitioners and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. Learned counsel for the petitioner prays for and is allowed to make necessary correction in the instant bail petition in course of the day.

3. The petitioners seek bail in connection with Balia P.S. Case No. 237 of 2024 instituted for the offences under Sections 326(g), 103(i), 61(2), 124(i), 109(i) of the Bhartiya Nyaya Sanhita.

4. As per prosecution case, some persons came in the house of the Informant and throw petrol over the body of her



father Sabir Hasan and brother Md. Arman and set them into fire due to which both of the got serious burn injury. It is alleged that both of them died in course of their treatment.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The petitioners are not named in the F.I.R. and their names have transpired in this case in course of investigation on the basis of the statement of the injured Md. Arman which is recorded in Para-76 of the case diary. The petitioners have not committed any offence as alleged in the F.I.R. There is no specific or direct allegation of any overt act against the petitioners rather the same is general and omnibus in nature. In course of investigation, nothing adverse has come against the petitioners suggesting their involvement in the alleged occurrence. The specific allegation of calling his associates for assaulting the Informant's father is against co-accused Sarfaraj @ Laloo. The postmortem report does not support the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 27.07.2024/02.08.2024 respectively without any rhymes or reason.



6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. In para-76 of the case diary, the injured Md. Arman has taken the names of the petitioners of involved in the alleged occurrence. The mother of the Informant in her statement recorded in Para-77 of the case diary has also disclosed the names of the petitioners. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 326(g), 103(1), 61(2), 109(1), 3(5) of the Bhartiya Nyaya Sanhita.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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