

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5468 of 2026

Arising Out of PS. Case No.-430 Year-2025 Thana- BABUBARHI District- Madhubani

1. Md. Mustafa Nadaf @ Mostufa Nadaf son of Md. Sahid Nadaf Resident Of Village - Dudani, ps- Babubarhi, Dist- Madhubani
2. Md. Firoz Nadaf son of Md. Sahid Nadaf @ Sahid Nadaf Resident Of Village - Dudani, ps- Babubarhi, Dist- Madhubani
3. Md. Sobarti Nadaf @Md. Sowrati Nadaf son of Hasan Nadaf Resident Of Village - Dudani, ps- Babubarhi, Dist- Madhubani
4. Md. Sahid Nadaf son of Mansoor Nadaf @ Mansur Nadaf Resident Of Village - Dudani, ps- Babubarhi, Dist- Madhubani
5. Md. Ehshan @ Md. Ahsan Son of Dhuda Baksa @ Khuda Baksa Resident Of Village - Sudaiduaram, Ps- Phulparas, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramchandra Jha Raman, Advocate
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh, APP
For the Informant :	Mr. Ashish Kumar Palit, Advocate
	Mr. Sanjay Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 05-05-2026 1. Heard learned counsel for the petitioners, the learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 103(1) and 3(5) of the BNS, 2023.
3. The SHO, Babubarhi P.S. and the Investigating Officer of the case, in compliance of the order dated 29.04.2026, are present in the Court.
4. Learned counsel for the petitioners submits that



petitioners are persons with clean antecedent and the informant alleges that on 24.09.2025 at 6 A.M., a dead body was found hanging from a tree, on alarm, the informant came to the place of occurrence and identified the dead body of her son whose neck was tied with a *Dupatta* and mouth tied with clothes, next alleges that four days prior to the occurrence, a *panchayati* regarding a mutual dispute involving the deceased had taken place, during which several persons including the petitioners had threatened to kill her son, thus the informant alleges based on suspicion that her son was killed by the accused persons including the petitioners by hanging him from the tree.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion, as informant is not an eye witness to the occurrence nor the FIR discloses as to what dispute involving the deceased had taken place for which a *panchayati* was held and the deceased was threatened by the accused persons including the petitioners. It is further submitted that no doubt the dead body of the deceased was found hanging on a tree, but then whether the petitioners were involved in the



occurrence or not is an aspect of investigation. It is next submitted that the deceased had made viral a photograph of the daughter of Sulekha Khatoon for which a *panchayati* was held but then in the FIR, the informant for reasons best known does not disclose the reason for which the *panchayati* was held. It is next submitted that Sulekha Khatoon is a widow and petitioners, in the instant anticipatory bail application are brothers, father and son-in-law of Sulekha Khatoon. It is next submitted that since Sulekha Khatoon was a widow, as such, she was staying with her daughter at her parental home. It is next submitted that the deceased wanted to marry the daughter of Sulekha Khatoon which was being objected by the side of the petitioners, but when the photograph of the daughter of Sulekha Khatoon was made viral by the deceased thereafter a *panchayati* was held in which the petitioners and his side rebuked the deceased. It is submitted that reaction of the petitioners being related to Sulekha Khatoon was normal that they rebuked the deceased in the *panchayati*, but the the same by no stretch of imagination can lead to an inference that the petitioners killed the deceased. It is further submitted that from perusal of the postmortem report, it would manifest that no external injury was found on the body of the deceased and his dead body was found hanging



from a tree. It is also submitted that the postmortem report records the cause of death as asphyxia on account of hanging, it is thus submitted that the deceased was not strangled to death rather he committed suicide. It is also submitted that it does not appear probable that the accused persons could have dragged the deceased on a tree and thereafter hanged him, but then it is fairly submitted that the same is an aspect of investigation. It is next submitted if privilege of anticipatory bail is granted to the petitioners, the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

6. Learned A.P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that informant in the FIR has concealed the relevant facts and that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion.

7. After hearing the learned counsel for the parties, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Babubarhi P.S. Case No.430 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

9. It is further made clear that if charge sheet is submitted connecting the petitioners with the offence, in that event, the anticipatory bail order shall lose its effect.

10. Accordingly, the instant anticipatory bail application stands allowed.

11. The personal appearance of the SHO and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

