

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11701 of 2026

Arising Out of PS. Case No.-126 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Naushad Ahmad @ Naushad Alam Son of Late Mahfuj Alam @ Late Mahfuj Ahmad Resident of Mohalla - 646 Durg, Bihar, P.S.- Chakori, Tiwaripur, Jajmou, District - Kanpur (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh Shastri, A.P.P.
For the Informant	:	Mr. Sunil Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-07-2026 Heard learned counsel for the petitioner, informant and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 384, 504, 506/34 of the Indian Penal Code to which Section 302 IPC was added later on.

3. Informant alleges that on 17.02.2023 at about 5:30 PM, all the F.I.R. named accused persons, including this petitioner, attacked the father of informant by means of *lathi*, *danda* and butt of pistol, over land dispute as a result of which he sustained injuries and died during course of treatment.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner



has falsely been implicated in this case due to land dispute between the parties for which Title Suit No. 478 of 2018 is already pending between the parties. As per F.I.R., the alleged incident took place on 17.02.2023 but F.I.R. was registered on 21.02.2023 i.e., after lapse of five days, without any plausible explanation. Allegation of assault is general and omnibus and there is no allegation of any specific overt act against petitioner. He further submits that as per F.I.R. 11 named accused persons assaulted the father of informant but as per the doctor's report, no external injury was found on the deceased, which itself raises doubt over veracity of the prosecution case. As per post-mortem report, cause of death is cerebral vesicular accident.

5. Learned A.P.P. for the State as well as Mr. Sunil Kumar Pandey, learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation, post-mortem report and other facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P. S. Case No. 126 of 2023, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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