

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14990 of 2026

Arising Out of PS. Case No.-269 Year-2025 Thana- JOKIHAT District- Araria

Shamsher Reza @ Shamsher Alam @ Shamser Alam Son of Nasim Akhtar
R/o Village - Tegharia, Ward no. 7, P.S. - Bahdurganj, Dist. - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection with Jokihat P.S. Case No. 269 of 2025 instituted for the offence under Section 309(4) of the Indian Penal Code and Sections 25(1-B)a, 26, 27 & 35 of the Arms Act.

3. The prosecution case, in brief, is that on 13.08.2025 the informant, while transporting iron rods and returning with Rs. 3,02,200/- in cash, was intercepted near 'Kesarra' River by two unknown motorcyclists who fired upon him causing injury to his leg and looted the said cash. It is alleged that the accused Md. Shahabuddin @ Sharad and Md. Kasim were apprehended by local people near Charghariya



Chowk after their motorcycle met with an accident, from whose possession a pistol, country-made firearm, live cartridges and a mobile phone were recovered, though the looted cash could not be recovered.

4. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. During investigation apprehended co-accused person disclosed the name of the petitioner. Informant has not identified as to who has fired the shot while fleeing away. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 103 of the BNSS, 2023. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in this case. Other co-accused has been granted bail by this Court vide order dated 03.02.2026 passed in Cr. Misc. No. 77627 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that in the present case two miscreants fired upon the informant causing injury to his leg, hence, the petitioner does not deserve the privilege of anticipatory bail.

7. Considering the aforesaid facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to



the petitioner. Prayer for grant of anticipatory bail of the petitioner is hereby *rejected*.

8. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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