

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17923 of 2026

Arising out of PS. Case No.-37 Year-2024 Thana- Patarghat District- Saharsa

Md. Aliya @ Aliya Miya @ Aiya Miyan @ Alima Miyan S/o Md. Kalim R/o
Village - Bhalwahi, Shahpur Ward No. 8, P.S - Gwalpara, District –
Madhepura Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL ORDER

4 27-05-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner seeks bail in Patarghat P.S. Case No.
37 of 2024 registered under Sections 341, 323, 307, 504, 506/34
IPC and Section 27 of the Arms Act.

3. The allegation is that on account of a prior dispute,
some persons came to the shop of the informant. The petitioner
is alleged to have assaulted the husband of the informant, which
resulted in injury to his right hand. Thereafter, unknown persons
opened fire, consequent to which the husband of the informant
sustained an injury to the abdomen. Notably, the firearm injury
is attributed to unknown persons and not to the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is not the main assailant. He further submits that the
petitioner is accused in two cases, i.e., one under Section 307
IPC and another under the Excise Act, and that the petitioner has



been in custody since 20.09.2024. It is further submitted that the prior case under Section 307 IPC does not, by itself, constitute a bar to the grant of bail in the present matter.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering that the case arises under Section 307 IPC, that the petitioner is not the main assailant inasmuch as the firearm injury is attributed to unknown persons, that the petitioner has a prior case under Section 307 IPC which has been taken into account and does not constitute an absolute bar to bail in the facts of the present case, and that the petitioner has been languishing in custody since 20.09.2024 without conclusion of trial, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Saharsa in connection with Patarghat P.S. Case No. 37 of 2024 (S.Tr. No. 282 of 2025).

8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for



the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

Vikash/-

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

(Ansul, J)

