

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17984 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- ABADPUR District- Katihar

Md. Matiya @ Abdus Salam S/O Late Rustam Ali @ Rustak R/O Mathurapur,
P.S- Abadpur, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 103 and 3(5) of the BNS,
2023.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases and is in custody since
06.12.2025 and the informant alleges that her husband, on
14.08.2025, was going to work near Khadda Dhari River where
he was abused by the petitioner as her husband had put *patwa* in
the river and petitioner asked him to remove the same. It is
further alleged that the husband of the informant said that the
same would be removed after he will return from the work. It is
next alleged that when her husband was returning after finishing
his work, petitioner again started abusing him and called the



accused persons including Bhako Jaan i.e. his wife and thereafter petitioner assaulted her husband by *lathi* and other accused also assaulted him and when the daughter of the informant, who was present at the place of occurrence, requested not to assault her father but the accused did not listen. On alarm, villagers gathered and rescued the husband of the informant but on account of paucity of fund her husband could not be admitted in the hospital and died on 18.08.2025.

4. Learned A.P.P. for the State, at this stage, vehemently opposes the prayer for regular bail of the petitioner and submits that petitioner had earlier moved this Court seeking anticipatory bail by filing Cr. Misc. No. 78309 of 2025 and the same came to be rejected vide order dated 18.11.2025 by this Court recording that petitioner has antecedent of one case but, in the instant regular bail application, petitioner has disclosed that he has antecedent of four cases which amply demonstrates that when petitioner had approached this Court seeking anticipatory bail he had not approached the Court with clean hands. It is further submitted that allegation is of assault leading to death of the husband of the informant and if petitioner is granted the privilege of regular bail, the petitioner may abscond or try to tamper with the evidence as petitioner on earlier occasion had



not approached the Court with clean hands.

5. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to release the petitioner on bail in connection with Abadpur P.S. Case No. 90 of 2025 pending in the Court of learned Additional Chief Judicial Magistrate-III, Katihar/Successor Court.

6. Hence, the prayer for bail is rejected.

(Satyavrat Verma, J)

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