

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16552 of 2026

Arising Out of PS. Case No.-338 Year-2018 Thana- DHAKA District- East Champaran

Md. Fajil @ Mohammad Fajil Son of Late Bala Miya @ Sheikh Jamuruddin,
Resident of Village- Naya Tola, Dhanka, P.S.- Dhaka, District -East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the State : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
APP for the State

2. The petitioner apprehends his arrest in connection with Dhaka P.S Case No. 338 of 2018 dated 27.08.2018 registered for the offences punishable under Sections 147, 149, 323, 504, 283, 427, 435, 353, 290 and 291 of the Indian Penal Code.

3. As per allegation, the accused persons including the petitioner are said to have kept the dead body of the deceased, Shobha Devi near Referral Hospital, Dhaka on Dhaka-Chiraiya main road and they have blocked the road and nuisance was being created there by them. It is also alleged that when the police personnel tried to pacify the matter, members of the mob



including the petitioner attacked on the police personnel and raised slogans against them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner was not present at the place of occurrence. He also submits that other co-accused persons have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.02.2026 passed in Cr. Misc. No.5100 of 2026.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the fact that similarly situated co-accused persons have already been granted anticipatory bail, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Dhaka P.S. Case No. 338 of 2018, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

ravishankar/-

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

