

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18310 of 2026

Arising Out of PS. Case No.-321 Year-2025 Thana- JOKIHAT District- Araria

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1. Md Isha @ Isha S/o Late Najam @ Nijam Uddin @ Nijam R/o vill - Dehti Jogjaan Bhaag, ward no. 11, P.s.- Palasi, Distt.- Araria
 2. Rehana W/o Md Isha @ Isha R/o vill - Dehti Jogjaan Bhaag, ward no. 11, P.s.- Palasi, Distt.- Araria
 3. Rashid @ Md Rashid S/o Md Isha @ Isha R/o vill - Dehti Jogjaan Bhaag, ward no. 11, P.s.- Palasi, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ziaul Quamar, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-07-2026 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jokihat P.S. Case No. 321 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 85, 352, 351(3) and 3(5) of the B.N.S and Section ¾ of the Dowry Prohibition Act and Section ¾ of the Explosive Substances Act, 1908.

3. The marriage of the informant's daughter was solemnized with the son of petitioner nos. 1 and 2. The couple



also blessed with a child. However, it is alleged that after the marriage, all the accused persons were kept on demanding dowry and a motorcycle. Owing to non-fulfillment of the same, she was tortured in various ways, and on 15.03.2025, all the accused persons tried to kill her, but she anyhow escaped and rushed to her parental home. It is further alleged that on 20.09.2025, all the accused persons, including the petitioners, came on two motorcycles and kept a bag in the veranda of the house of the informant. And in the morning, the informant found that four live bombs were kept in the bag.

4. Learned Advocate for the petitioners submitted that the alleged occurrence took place on 20.09.2025, whereas the present FIR came to be instituted on 01.10.2025 without any explanation for plausible delay. Moreover, the entire case falls to the ground for simple reason that prior to the institution of the present case, the informant had instituted Complaint Case No. 1422-C/2020 against the petitioner nos. 1 and 3, besides co-accused Md. Shahbaz for the offences punishable under Sections 498(A)/34 of the Indian Penal Code. However, the learned Judicial Magistrate 1st Class-cum-Additional Munsif-IV, Araria acquitted all the accused persons and on being infuriated, the informant has instituted the present case by



making a frivolous allegation. Even during the course of allegation, no complicity of the petitioners have been surfaced, besides the petitioners are carrying fair antecedent.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioners were identified while they reached the house of the informant and kept the bag.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, coupled with the fact that from the FIR it is evident that the petitioners were not identified as the persons, who have kept the bag in veranda, from where the recovery of the live bomb has been alleged, as also the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 321 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that



one of the bailors shall be the own/close family members of the
petitioners.

(Harish Kumar, J)

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