

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21161 of 2026

Arising Out of PS. Case No.-864 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Md. Javed @ Md. Jawed, aged about 35 years, Male, Son of Md. Jubair,
Resident of Mohalla- Mir Tola, Ward No.- 38, P.S. Saharsa Sadar, District-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Raj, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 15-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Saharsa Sadar P.S Case No. 864 of 2022 registered for the
offences punishable under Sections 302, 120B of the Indian
Penal Code.

3. Earlier the prayer for bail of this petitioner was
rejected by this Court in Cr. Misc. No. 18020 of 2024 vide order
dated 22.04.2024.

4. As per prosecution case, when informant entered
into the shop of his father he found dead body of his father
there, it looks like that someone has murdered his father with
sharp weapon.



5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to previous enmity and land dispute attributed between the parties. He further submits that petitioner's name surfaced in this case during the course of investigation only on the basis of confessional statement of co-accused. He next submits that there is no any eye witnesses of the occurrence. Similarly situated co-accused person has already been granted regular bail by a Bench of this Court in Cr. Misc. No. 29998 of 2024 vide order dated 30.04.2024. He lastly submits that petitioner is in judicial custody since 07.11.2022 and petitioner has got clean antecedent as stated in para 3 of the petition.

6. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

7. From perusal of the FIR and the impugned order of the learned District and Additional Sessions Judge-V, Saharsa dated 07.02.2026, it appears that petitioner is not named in the FIR and his name has been surfaced in this case only on the basis of confessional statement of co-accused. From perusal of the report of the stage of trial vide letter no. 24, it also appears that nine witnesses are named in the charge-sheet out of which three witnesses have been examined till date and further six



months time may be granted to conclude the trial and the trial is still pending and no satisfactory process and similarly situated co-accused person namely Md. Imran @ Buchchi has already been granted regular bail by a Bench of this Court in Cr. Misc. No. 29998 of 2024 vide order dated 30.04.2024, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant bail to the petitioner.

8. Accordingly the prayer for regular bail of the petitioner is allowed. Let the petitioner above named be released on regular bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge-V, Saharsa in connection with Sessions Trial No. 65 of 2023 arising out of Saharsa Sadar P.S. Case No. 864 of 2022.

(Ramesh Chand Malviya, J)

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