

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20131 of 2026

Arising Out of PS. Case No.-779 Year-2025 Thana- PHULWARISHARIF District- Patna

Aftab Mallic, S/o Mahatab Alam @ Md. Mahtab, R/o Village- Karbala, PS-
Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shreekant Vaidya, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. Jagjit Roshan, Advocate
		Mr. Anjani Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 07-04-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 103(1) & 61(2) of B.N.S. and Section 27 of the Arms Act.

3. The case of the prosecution, in short, is that the informant (wife of the deceased) was going along with her husband Sayyad Anwar Alam and nephew Intekhaab Alam on bike towards her farm from Haroon Nagar colony to Nohsha. It is further alleged that the petitioner along with other four persons started firing at informant's husband and he died due to bullet injuries. All the assailants fled away. The informant alleged that her husband has been killed at the behest of other named ten accused persons. All these persons are working in the



gang of land mafia Naushad Mallick.

4. Learned counsel for the petitioner has submitted that from perusal of the FIR it is clear that the informant and Intekhaab Alam were the eye-witness of this case. Intekhaab Alam has given his statement under Section 180 of B.N.S.S. in paragraph '87' of the case diary wherein he has stated that he was going to see the fields. Shahrukh and Md. Afsar pointed gun at his uncle. When the uncle of Intekhaab, i.e. deceased objected, Md. Afsar shot at him and it is further alleged that Afsar again fired at the deceased. Intekhaab has seen other persons in a four wheeler. So from the statement of eye-witness Intekhaab it is clear that the deceased has received two firearm injuries. During course of investigation, Md. Afsar has also given his confessional statement and has stated that this petitioner and others have told him to kill the deceased and in return he will be given Five Lakh rupees and one *kattha* of land. Save and except the confessional statement of the co-accused persons, there is nothing against the petitioner. Moreover, the main thrust of allegation is against Md. Afsar who has fired at the deceased. Learned counsel for the petitioner has submitted that similarly situated co-accused Akhtar Ali has been granted bail by this Court vide Cr. Misc. No. 87752 of 2025. Moreover ,



the petitioner is languishing in judicial custody since 09.11.2025.

5. Learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the bail and have submitted that the petitioner is having criminal antecedent of four cases.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Phulwari Sharif P.S. Case No. 779 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M.-IV, Patna **with the condition that while accepting the bail bonds of the petitioner, the learned trial Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is having criminal antecedent of more than four cases, the privilege of bail shall stand cancelled.**

(Ashok Kumar Pandey, J)

lata/-

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

