

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21335 of 2026

Arising Out of PS. Case No.-848 Year-2025 Thana- VAISHALI District- Vaishali

1. Fajal Ali Khan @ Md. Afjal Ali Khan @ Afjal Ali Kha S/o- Late Noor Alam Khan R/v- Majhauri Ps- Vaishali Dist- Vaishali at Hajipur
2. Md. Shahnawaz Ahmad Khan @ Shahnawaz @ Masum Khan @ Md. Shahnewaj S/o- Md. Imteyaz Ali Khan @ Imteyaz Ali Khan R/v- Majhauri PS- Vaishali Dist- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-04-2026 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered under Sections 126(2), 115(2), 109, 303(2), 352, 351(2), 351(3) and 3(5) of Bharatiya Nyaya Sanhita.

3. As per the prosecution case, when informant was in his house, in the meantime, the petitioners came at the door of the informant and started abusing him. On protest, petitioner no. 1 assaulted on head of the informant with iron rod and petitioner no. 2 assaulted the informant by butt of revolver due to which informant sustained injury.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence. Further submission is that petitioner no.1 is own step brother of the informant and petitioner no. 2 is own nephew of the informant & petitioner no. 1 and due to property dispute between them, the present F.I.R. has been lodged after a delay of five days without any plausible reason, which itself creates a doubt over the veracity of the prosecution case. Title Partition Suit Nos. 464 of 2023 and 466 of 2022 are also pending before the learned Sub-Judge-1, Vaishali at Hajipur. The nature of the injury to the injured is simple caused by hard and blunt substance. Although, petitioner no. 1 has four criminal antecedents and petitioner no. 2 has three criminal antecedents but the same have been lodged by the informant and his family members for the said property dispute and petitioners are on bail in all the cases. Petitioners undertake to cooperate in the investigation and trial.

5. Learned A.P.P. appearing on behalf of the State opposed the bail application.

6. Having considered the facts and circumstances of the case, submissions of learned counsel for the parties, nature of allegation and nature of injury, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 848 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita with further condition:-

(i) Petitioners shall co-operate in the trial and shall remain present on each and every date during trial and in their absence on two consecutive dates, the trial court is at liberty to cancel their bail bonds.

(Sunil Dutta Mishra, J)

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