

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23763 of 2026

Arising Out of PS. Case No.-618 Year-2025 Thana- PURNEA SADAR District- Purnia

1. Md. Nizam @ Niyaz S/o Late Md. Mojib R/o Village - Mirzapur, P.S - Sadar Purnia, District – Purnia.
2. Md. Saidur @ Saidur Rahman S/o Md. Nizam @ Niyaz R/o Village - Mirzapur, P.S - Sadar Purnia, District – Purnia.
3. Md. Muzammil @ Mhzammil Haque S/o Shish Mohammad R/o Village - Mirzapur, P.S - Sadar Purnia, District – Purnia.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Bhola Prasad, Advocate
For the Opposite Party/s :	Mr.Surendra Kumar, APP
For the O.P. :	Mr. N.K. Agrawal, Sr. Advocate
	Mr. Bidhu Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2026 Heard learned counsel appearing on behalf of the petitioners, learned Additional Public Prosecutor appearing on behalf of the State and leaned counsel appearing for the informant.

2. At the outset, it is submitted by learned counsel for the petitioners that he may be permitted to withdraw the anticipatory bail petition *qua* petitioner no. 1, namely, Md. Nizam @ Niyaz and petitioner no. 2, namely, Md. Saidur @ Saidur Rahman, as they surrendered before the learned trial court.

3. Considering aforesaid submission, the prayer of anticipatory bail petition of the petitioner nos. 1 and 2 stands dismissed as withdrawn being infructuous.



Now, this petition survives only against petitioner no. 3, namely, Md. Muzammil @ Muzammil Haque.

4. The accused/petitioner apprehending his arrest in connection with Sadar P.S. Case No. 618 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 117(1), 109, 74, 352, 351(2), 3(5) of Bhartiya Nayay Sanhita and later on 03.01.2026 offence under Section 103(1) of the BNS was added.

5. As per FIR, petitioner alleged to involved in committing murder of son of the informant.

6. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner was not involved in physical assault and as per facial perusal of FIR, allegation as to cause fatal physical assault is specifically available against co-accused persons, namely, Tanjarul and Manjarul and this petitioner was implicated only being their father, where maximum allegation against this petitioner is to instigate as to give an order to co-accused persons, namely, Tanjarul and Manjarul to kill the son of the informant during the occurrence. It is submitted that petitioner is a man of clean antecedent.

7. Learned APP opposed the prayer of bail.

8. Mr. N.K. Agrawal, learned senior counsel appearing



for the informant, while opposing the prayer of bail submitted that the present bail petition is not maintainable for the reasons that the proceedings under Section 84 of BNS already initiated against petitioner no. 3, namely, Md. Muzammil @ Muzammil Haque by the learned trial court vide its order dated 02.04.2026.

9. The aforesaid fact would not disputed by learned counsel appearing for the petitioner.

10. In view of aforesaid factual submission, as the proceeding under Section 84 of BNS already initiated against petitioner no. 3, namely, Md. Muzammil @ Muzammil Haque, accordingly, the prayer of anticipatory bail of the petitioner no. 3, namely, Md. Muzammil @ Muzammil Haque stands rejected being not maintainable.

(Chandra Shekhar Jha, J)

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