

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25012 of 2026

Arising Out of PS. Case No.-378 Year-2024 Thana- PAHARPUR District- East Champaran

Habib Miya @ Habib Ansari Son of Late Nathuni Miya Resident of Village
-Sathan Takiya Tola, Sataha Chakiya Tola PS- Pahadpur, Dist- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sudhir Kumar Tiwary, Advocate
For the Opposite Party/s :	Mr. Rithesh Kumar Sinha, A.P.P
For the Informant :	Mr. Ritesh Kumar Sinha, Advocate
:	Ms. Ankita, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.10.2025 in connection with Pahadpur P.S. Case No. 378 of
2024 for the offences punishable under Sections 103 and 3(5) of
B.N.S.S. and Section 27 of the Arms Act.

3. The case of the prosecution in brief is that on
12.08.2024 the informant lodged an information in Pahadpur
Police stating that on 12.08.2024, at approximately 01:45 PM
the on his informants elder brother, Isharoz Ansari, was
returning home motorcycle and the informant was also returning



from the same market behind him on a bicycle. As Isharoz Ansari reached the Morling Road near Narkatia Eidgah, 7 FIR named persons including the petitioner, upon noticing him returning home, surrounded and forcibly stopped him on the road from all directions. These persons assaulted Isharoz Ansari by forcibly stopping him and beating him with fists and slaps, thereafter pulling him off his motorcycle. At that time, accused Manoj Yadav exhorted the others, saying, "What are you waiting for? Finish him off!" On hearing this, accused Habib Miya (Petitioner) opened fire with a firearm, causing a gunshot wound to the rib area profuse bleeding and causing of Isharoz Ansari from behind, leading to him to collapse on the ground. Thereafter accused Jalaluddin Ansari fired another shot from a separate pistol with the intention to kill, which resulted in the death of Isharoz Ansari. The informant, who was returning home on his bicycle, reached the spot upon noticing a gathering of people. He saw the accused persons fleeing the scene. The informant began to shout for help and immediately informed his family members by phone. Thereafter, the informant, along with others, took his injured brother to Taj Hospital in Jagdishpur, where the attending doctors declared him dead. It was further submitted that the informant and the accused persons have an



ongoing land dispute. Hence, the present FIR was instituted.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is next submitted that from bare perusal of the FIR it appears that the informant is not an eye-witness to the alleged occurrence and the petitioner has been made an accused in the present case merely on the basis of suspicion. He further submits that similarly situated, co-accused, namely, Manoj Yadav has been granted bail vide order dated 28.04.2026 passed in Cr. Misc. No. 26141 of 2026 by a Co-ordinate Bench of this Court and another co-accused person, namely, Jalaluddin Ansari against whom there is an allegation that he along with the petitioner has fired upon the victim has been granted bail vide order dated 12.05.2026 passed in Cr. Misc. No. 22438 of 2026 by a Co-ordinate Bench of this Court. Learned counsel for the petitioner next submits that police after investigation has submitted charge-sheet and petitioner is in custody since 16.10.2025.

5. The learned Additional Public Prosecutor for State



has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the FIR that there is direct and specific allegation of firing attributed against the petitioner but fairly submits that informant is not an eye-witness to the alleged occurrence and even no one has seen the incident in question.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Sessions Judge-XIV, East Champaran at Motihari in connection with Pahadpur P.S. Case No. 378 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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