

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23792 of 2026

Arising Out of PS. Case No.-322 Year-2025 Thana- SAKRA District- Muzaffarpur

Shamshu Jama @ Shamsul Zama @ S. Zama S/o- Late Kamru Jama @ Md.
Kamrul Jama R/v- Gannipur Bajha Ps- Sakra District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Advocate
	:	Mr.Sabal Kumar Jha, Advocate
For the Opposite Party/s	:	Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2026 Heard Mr. N.K.Agrawal, learned senior counsel
appearing for the petitioner, learned counsel for the informant
and Ms.Asha Devi, learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in
connection with Sakra P.S. Case No. 322 of 2025, F.I.R. dated
20.06.2025 for the offences punishable under Sections
126(2),115,118,117,109,3(5) of the BNS, 2023 later on Section
103(1) of BNS was added but the police has found the case true
under Sections 329(2),191(2)(3), 126(2),115(2),118(1), 117(1),
109(1), 352,351(2) of BNS.

3. According to prosecution case, all the accused
persons including this petitioner over a land dispute brutally



assaulted the informant and his daughter and took away cash and gold chain from his house.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. It appears from the FIR that due to partition dispute, the present occurrence has taken place. Although there is specific allegation against the petitioner that he has assaulted to Md. Sayeed Akhtar. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 14.06.2025 but the present FIR has been instituted on 20.06.2025 after delay of six days afterthought only to falsely implicate the petitioner in the present case. Learned counsel for the petitioner submits that the date of occurrence as alleged in FIR is 14.06.2025 and Md. Sayeed Akhtar had died on 04.07.2025 and initially the injury report of the injured person/deceased suggests that he has received the injury on both shoulders.

5. Learned counsel for the informant and learned A.P.P. for the State, on other other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has participated in the present crime in question and the deceased died after twenty days of the



occurrence from a bare perusal of the postmortem report of the deceased it appears that the opinion regarding cause of death is being kept reserved pending the report. Time elapsed since death was within 02-03 days from the time of postmortem examination.

6. Considering the aforesaid facts, this is not a fit case for grant of anticipatory bail to the petitioner in connection with Sakra P.S. Case No. 322 of 2025 pending in the court of learned Additional Sessions Judge-2nd Muzaffarpur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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