

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23655 of 2026

Arising Out of PS. Case No.-415 Year-2025 Thana- AAJAM NAGAR District- Katihar

1. Md. Daulat S/o Md. Ayub @ Ayub Resident of Village- Siktia Bairia, P.S.- Azamnagar, District-Katihar
2. Md. Adil S/o Late Jahane Alam Resident of Village- Siktia Bairia, P.S.- Azamnagar, District-Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 08-07-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Azamnagar P.S. Case No. 415 of 2025, F.I.R dated 02.11.2025 registered for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the son of the informant had gone to buy motorcycle from accused no. 1 but he did not return home and later on, informant come to know that his son have been murdered,

4. Learned counsel for the petitioners submits that initially a complaint case is said to have been registered on



15.10.2025 for an allegation for an incident which is said to have been taken place on 10.09.2025 and there is no explanation to such delay recorded by the complainant in registering the first information report and in the said complaint, even these petitioners were not made accused. Subsequently, another FIR which is said to have been registered on 05.10.2025 in the said FIR, these petitioners have not been made accused while this complaint case and first information report was pending, pursuant to the order passed by the Chief Judicial Magistrate, Katihar on 02.11.2025, a formal first information report is said to have been registered by Azamnagar police station bearing Case No. 415 of 2025 in which the petitioners are seeking anticipatory-bail. It has further been submitted that when this formal case was registered at Azamnagar PS Katihar, the formal statement of the complainant was recorded, in which for the first time these two petitioners have been implicated by making specific allegation of injury being caused with hard-blunt substances and sharp weapon while the allegation of injuries having been caused upon the deceased was examined at J.L.N. Medical College, Bhagalpur (Bihar) by making examination of the dead body which was brought to the JLN Medical College in a sealed wooden box, containing the exhibits of the deceased



and after preliminary examination the exhibits were subjected to repeated processings and drying for final examination and the allegations of injuries which have been made by the informant-cum-complainant is not corroborated, as is evident from the report which is appended with the case diary as Annexure 9 at page No. 41 in the column of injuries goes to show, read as:-
“No antemortem cut or fracture was present over available exhibits”

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances and taking into account that the nature of the injuries as is alleged apparently not being collaborated with medical examination conducted by the treating doctor over exhibits. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Katihar in connection



with Azamnagar P.S. Case No. 415 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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