

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29684 of 2026

Arising Out of PS. Case No.-84 Year-2021 Thana- SABAUR District- Bhagalpur

MD. NIJAM @ NIJAM S/o- Vajit Sekh @ Md. Vajit R/v- Near Masjid
Muslim Tola Sabaur Ps- Sabaur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sabaur P.S. Case No. 84 of 2021 for the offences punishable under Sections 302, 120(B) of the I.P.C and Section 27 of the Arms Act.

3. The prosecution case in brief is that the informant gave a written report to the local police on 26.03.2021 at 2:15 P.M. alleging therein that ten (10) persons including the petitioner came to the place of occurrence and shot the deceased resulting in his death. The informant and others rushed to the Victim who was lying on the road.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. Learned counsel for the petitioner submits that police after investigation has submitted final form in favour of the petitioner, thereafter, the learned trial Court in a mechanical manner has taken cognizance vide order dated 23.06.2022 against the petitioner and issued summons to the petitioner for appearance (Annexure 2). Learned counsel for the petitioner further submits that co-accused persons, namely, Md. Khursid, Shahzada @ Md. Shahzada and Md. Sejam have been granted the privilege of anticipatory bail vide order dated 12.02.2025 passed in Cr. Miscellaneous No. 73343 of 2024, 75232 of 2024 and 86123 of 2024 respectively by a Co-ordinate Bench of this Court.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that police after investigation has submitted final form in favour of the petitioner and learned trial Court in a mechanical manner has taken cognizance against the petitioner and similarly situated co-accused persons have been granted the privilege of anticipatory bail by Co-ordinate Bench of this Court, let the petitioner, above named, in the event of 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, Bhagalpur in connection with Sabour P.S. Case No. 84 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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