

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28835 of 2026

Arising Out of PS. Case No.-779 Year-2025 Thana- PHULWARISHARIF District- Patna

Md. Pinku @ Md. Javed @ Mohammad Pinku S/o Md. Salin @ Mohammad Shamim R/o Mohalla - Madarsa Gali Nahar pe, Isa nagar Naya tola, Phulwari sharif, P.S- Phulwari sharif, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anwar, Advocate
For the Informant	:	Mr. Jagjit Roshan, Advocate
		Mr. Anjani Kumar, Advocate
		Mr. Jayant Kr. Ray, Advocate
For the Opposite Party/s :		Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-06-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 103(1) & 61(2) of B.N.S. and Section 27 of the Arms Act.

3. The case of the prosecution, in short, is that the informant (wife of the deceased) was going along with her husband Sayyad Anwar Alam and nephew Intekhaab Alam on bike towards her farm from Haroon Nagar colony to Nohsha. It is alleged that altogether five accused persons started firing indiscriminately and in second part of the F.I.R., it is alleged that there are other persons who are involved in the conspiracy.

4. Learned counsel for the petitioner has submitted that



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that the name of this petitioner is not there in the F.I.R. His name has surfaced during course of investigation in the confessional statement of Md. Afsar and Sahjada Salim. It has further been submitted that save and except the confessional statement of co-accused, there is nothing against him. It has further been submitted that the informant and Intekhaab Alam are the eye-witness of this case. Intekhaab Alam has given his statement under Section 180 of B.N.S.S. in paragraph '87' of the case diary wherein he has stated that he was going to see the fields. Shahrukh and Md. Afsar pointed gun at his uncle. When the uncle of Intekhaab, i.e. deceased objected, Md. Afsar shot at him and it is further alleged that Afsar again fired at the deceased. Intekhaab has seen other persons in a four wheeler. So from the statement of eye-witness Intekhaab, it is clear that the deceased has received two firearm injuries. During course of investigation, Md. Afsar has also given his confessional statement.

5. Learned counsel for the petitioner has submitted that from the version of eye witness, it is clear that the petitioner was not present at the spot and the main assailant is Md. Afsar. It has further been submitted that the F.I.R. named accused person Aftab Mallic has already been granted bail by this Court vide Cr. Misc.



No. 20131 of 2026. The case of this petitioner stands on better footing. The petitioner is having no criminal antecedent and he is languishing in judicial custody since 21.05.2025.

6. Learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the bail. Learned counsel for the informant has submitted that the petitioner was present at the place of occurrence which has come in CCTV Footage.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Phulwarisharif P.S. Case No. 779 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M.-IV, Patna.

(Ashok Kumar Pandey, J)

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