

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31905 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- CHAKAND District- Gaya

Md. Sharique @ Md. Sharque Khan @ Md. Sharique Khan @ Md. Sadique
son of Md. Shahid Prawez Khan Village - 148 Aliganj, Road no 4, Madarsa
Gali, P.S.-Rampur, District -Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Kamaluddin, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 06-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Chakand P.S. Case No. 73 of 2024 registered for the offences punishable under Sections 147, 148, 149, 302, 201 of the Indian Penal Code, pending in the court of learned A.C.J.M. - Xth, Gaya.

3. As per FIR, informant identified the place of occurrence through viral video where his son was brutally assaulted by several persons and when he visited the place of occurrence alongwith several persons, one of the persons started to ran away namely, Md. Arman, son of Md. Allauddin, who upon arrest by informant and his relatives, accepted



before them that he alongwith this petitioner and other named and unknown accused persons assaulted his son leading to his death.

4. Learned counsel appearing on behalf of the petitioner submitted that as per FIR, the accused who named as Sadique was shown the resident of place Mirzagalib, but this petitioner is the resident of Aliganj, Road No. 4, Madarsa Gali, Gaya, and therefore, both are different persons. It is submitted that said apprehended co-accused Md. Arman was later on handed over to Police, who, upon police confession, also named this petitioner. It is submitted that save and except these two confessional statements nothing available against this petitioner. While concluding argument, it is submitted that petitioner is a man of clean antecedent and he is an engineering graduate.

5. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, submitted that the informant and others chased and apprehended the co-accused Md. Arman who disclosed the name of this petitioner. It is a sort of extra-judicial confession which was not made before



the police and, same cannot be outrightly ignored, suggesting *prima facie* involvement of petitioner with the present crime in question. It is submitted that even from the confessional statement which was made before the police, it appears that this petitioner has actively involved in assaulting the deceased by using iron pipe. It is further pointed out by learned A.P.P. that post-mortem report also suggests that due to serious physical assault, the son of the informant died.

6. In view of aforesaid factual submission as the implication of petitioner involved out of extra-judicial confession not only on the basis of confessional statement made before the police, as submitted aforesaid, accordingly, the prayer of anticipatory bail of the petitioner is hereby rejected.

(Chandra Shekhar Jha, J)

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