

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33276 of 2026

Arising Out of PS. Case No.-321 Year-2024 Thana- SUGAULI District- East Champaran

Azad Khan @ Ahad Khan S/o Late Jan Mohammad Khan Resident of
Village- Nakardei, Ps- Sugauli, District- East Champaran Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2026 Heard Mr. Sanjay Kumar Tiwari, learned counsel for
the petitioner and Mr. Narendra Kumar Singh, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.03.2026 in connection with Sugauli P.S. Case No. 321 of
2024, F.I.R. dated 19.07.2024 for the offences punishable under
Sections 126(2), 115, 118(1), 117(2), 109, 303(2) and 3(5) of the
BNS, 2023 and Section 27 of the Arms Act.

3. Earlier the anticipatory bail application of the
petitioner was allowed vide order dated 08.01.2025 passed in
Cr. Misc. No. 89048 of 2024 by this Court but the bail bond of
the petitioner could not be furnished due to criminal antecedent
of the petitioner. Thereafter, the petitioner has moved before this
Court for modification of the order dated 08.01.2025 which was



dismissed vide order dated 23.09.2025.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that there is case and counter case between the parties and the specific allegation of assault is against the co-accused, namely, Mintu Khan who has assaulted to the victim due to which he received injury but his injury report suggest that the injury is simple in nature. As per the allegation, there is no specific allegation of assault against this petitioner and number of co-accused persons have been granted bail by this Court and by Co-ordinate Bench of this Court. The petitioner is in custody since 23.03.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one but fairly submits that he is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 J.M. 1st Class, East Champaran, Motihari in connection with Sugauli



P.S. Case No. 321 of 2024, subject to the 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)

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