

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36136 of 2026

Arising Out of PS. Case No.-329 Year-2026 Thana- SIWAN CITY District- Siwan

Mohammad Kaif S/o Azaz Ahmad @ Ejaj Ahmad R/o Village - Muhalla
Navalpur Badi Takiya, P.S. - Siwan Town, Dist. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Srivastva, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 09-06-2026 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel appearing for the
informant, through virtual mode.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Siwan Town P.S. Case no. 329 of
2026 registered under section 191(2), 190, 126(2), 115(2),
117(2), 109, 303(2), 352 of B.N.S.

3. Allegation in the F.I.R is that eight FIR named
accused persons with 10 to 15 unknown persons surrounded the
informant and others and started assaulting them with *lathi*,
danda, knife etc. due to which they sustained injuries. It is
further alleged that one of the injured, namely, Md. Shammi had
died during course of treatment.

4. Learned counsel for the petitioner submits that it
would be evident from the FIR itself that 8 persons have been



specifically named in the FIR along with 15 unknown persons who had indulged in assaulting the informant and others and subsequently causing injuries to them and subsequently one of the injured Md. Shammi, even died during course of treatment. It is further submitted that there are general and ominous allegations on the persons named in the FIR and so far as the petitioner is concerned, he although being a resident of the same locality as the informant, was not named in the FIR which indicates that he was not present and has been subsequently made an accused as an afterthought. The name of the petitioner has transpired in the case subsequently during the course of investigation by father of one of the injured. The petitioner is in custody since 24.03.2026 having no criminal antecedent and the investigation is almost on a close.

5. The learned APP and the learned counsel for the informant oppose the application on the ground that one person has died subsequently.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the general and ominous nature of allegations and also considering the fact that the petitioner although known to the informant, was not named in the FIR, the petitioner is directed to be enlarged on bail in



connection with Siwan Town P.S. Case no. 329 of 2026 on
furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of
the Learned Court concerned where the case is
pending/successor Court.

(Soni Shrivastava, J)

Harsh/-

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