

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59045 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- KHAIRA District- Saran

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Md. Sanaullah S/o Md. Mojib @ Late Md Mojib R/o vill - Khodaibag, P.S.-
Khaira, Distt.- saran Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP
For the Informant : Mr. Tej Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 10-03-2026

Heard Mr. Alok Kumar Alok, learned counsel for the petitioner, Mr. Md. Matloob Rab, learned Additional Public Prosecutor for the State as well as Mr. Tej Pratap Singh, learned counsel for the Informant.

2. Petitioner seeks bail who is in custody since 24.04.2025 in connection with Khaira P.S. Case No. 52 of 2025, F.I.R. dated 15.03.2025 for the offences punishable under Sections 126(2), 115(2), 109, 352 of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, it is alleged that the petitioner assaulted the informant's husband with iron rod on his head with intention to kill him.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The allegation levelled against the petitioner is false and fabricated and charge sheet has been framed against the



petitioner on 31.01.2026 under Section 126(2), 115(2), 109, 352, 352(2) of BNS and as per allegation in the FIR, the petitioner assaulted the husband of the informant by means of iron rod and husband of the informant received grievous injury and after three month he died but the learned trial court has refused to frame charge against the petitioner under Section 103 of BNS and as per injury report, which was provided by the Medical Officer, Chapra, the injury inflicted upon the informant was simple in nature at the time of initial treatment. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.04.2025.

5. The learned Additional Public Prosecutor and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner and submit that this is a case of Section 109 and 103 of BNS and there is direct and specific allegation against the petitioner and apart from that petitioner carries one criminal antecedent other than the present one in which he is on bail.

6. Considering the aforesaid facts and circumstances and period of custody, 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 Judicial Magistrate-Ist Class, Saran, Chapra in connection



with Khaira P.S. Case No. 52 of 2025, 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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