IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67417 of 2026

CNR No. BRHC010911352026

Arising Out of PS. Case No.-223 Year-2026 Thana- MADHUBAN District- East Champaran

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Kalam Khan @ Md. Kalam Khan Son of Late Khaliullah Khan @ Saliullah Khan, Resident of Village - Jugauliya Tola Gulab Khan, Police Station - Madhuban, District - East Champaran.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner : Mr. Manish Kumar, Advocate
Mr. Harsh Kumar, Advocate
For the State : Mr. Nand Kumar, APP
For the Informant : Mr. Madhurendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 04-11-2026 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Madhuban P.S. Case No. 223 of 2026 dated 12.06.2026, registered for the offences punishable under Sections 103(1), 352 and 3(5) of the B.N.S., 2023.

3. As per the prosecution case, during a village fair, an altercation took place between co-accused persons and the son of the informant. Enraged by the opposition of the son of the informant, the co-accused Farhan stabbed the son of the informant near his temple. When the son of the informant fled way from there, the petitioner and other co-accused persons

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caught hold of him and on saying of this petitioner and co-accused Anjum Ara, co-accused Salim and co-accused Farhan indiscriminately stabbed the son of the informant causing a number of injuries to him. When the son of the informant was taken to the hospital, he was declared brought dead.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. The allegation against the petitioner is of catching hold of the son of the informant while he had been running towards his house. But this allegation is general and omnibus against four persons and thereafter the allegation against the petitioner is that he gave an order along with co-accused Anjum Ara for stabbing the son of the informant. The allegation of stabbing is specific against co-accused Salim and Farhan. Similarly placed co-accused persons, namely Anjum Ara and Ekram Khan have been granted regular bail by a learned co-ordinate Bench of this Court *vide* order dated 05.10.2026 passed in Cr. Misc. No. 70415 of 2026. The petitioner has not assaulted the son of the informant and there is no allegation against him for inflicting any injury. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly

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submits that petitioner is in custody since 13.06.2026.

5. Learned A.P.P. appearing on behalf of the State as well as learned counsel for the informant vehemently oppose the submissions made on behalf of the petitioner. Learned counsel for the informant submits that after petitioner and the co-accused caught hold of the son of the informant, on saying of the petitioner and co-accused, other co-accused persons repeatedly stabbed the son of the informant causing his death.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of assault or stabbing against this petitioner and also considering grant of bail to similarly placed co-accused persons and further considering the submission of chargesheet, period of custody and clean antecedent of the petitioner, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned In-charge Additional Chief Judicial Magistrate-VI, East Champaran at Motihari / concerned Court, in connection with **Madhuban P.S. Case No. 223 of 2026**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

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(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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