

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66592 of 2025

Arising Out of PS. Case No.-312 Year-2025 Thana- DARAUNDA District- Siwan

1. Badshah Khan @ Badshah Son of Late Rashid Khan Resident of village - Rajanpura Ke Tola, P.S.- Daraundha, Distt.- Siwan.
2. Farhan Khan @ Farhan Son of Badshah Khan @ Badshah Resident of village - Rajanpura Ke Tola, P.S.- Daraundha, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 21-01-2026 Heard Mrs. Kumari Anupam, learned counsel for the petitioners and Mrs. Sharda Kumari, learned APP for the State.

2. The petitioners are apprehending arrest in connection with Daraundha (M.H. Nagar) P.S. Case No. 312 of 2025 instituted under Sections 126(2), 115(2), 109, 352, 351(1), 3(5) of the Bhartiya Nayay Sanhita, 2023 and section 27 of the Arms Act lodged on 20.06.2025 by the informant, Md. Nabib Khan.

3. As per the prosecution story, the informant alleged that his son after offering Namaz went to general store to purchase and later, the informant also reached the same place. The allegation is that the accused persons who belongs to the



same village were present there and tried to kidnap his son. Further, on the order of Murshid Mukiya, the allegation is that Mr. Khan @ Sahnawaj opened fire which hit his stomach and the arm. He was rushed to the local hospital and in between, considering the nature of injury, a video recording of his statement was also made from the Sadar Hospital, Siwan. He was shifted to Central Hospital and then to Gorakhpur. This followed the FIR.

4. In this case, the coordinate bench had called for the case diary which is on record and it shows that the injury report support the prosecution story.

5. Learned counsel for the petitioners submit that though they have criminal antecedent, both have been lodged by the informant's side. A bare perusal of the FIR would show that the main role has been assigned to Mr. Khan @ Sahnawaj who opened fire causing injury to the informant's son. Though, allegation of having 'Chapar' in his hand has been assigned to Badshah Khan (petitioner no.1), it is not the prosecution story that he gave any blow.

6. So far as the petitioner no.2, Farhan Khan @ Farhan is concerned, no role has been assigned to him save and except the allegation that he was present.



7. Learned counsel for the O.P.No.2 on the other hand submits that beside specific allegation against Mr. Khan @ Sahnawaj, the presence alongwith 'Chapar' has been assigned to Badshah Khan and the injured had head injury.

8. Learned counsel for the petitioners replied to the said submission stating that the FIR clearly shows that due to gun shot injury, the informant's son fell on the ground which may have caused the injury, the FIR is silent about it.

9. Considering the submissions of the parties as also the fact that as per the allegation, on the order of Murshid Mukhiya, Mr. Khan @ Sahnawaj opened fire causing injuries. Though role has been assigned to Badshah Khan of having 'Chapar' in his hand, the allegation of assault is not there, the same is the position with the second accused, Farhan Khan @ Farhan, one Md. Mohammad Shahbaz Khan @ Pappu Khan.

10. Further, similar situate accused Mohammad Shahbaz Khan has been granted relief in **Cr. Misc. No. 68566 of 2025** by a coordinate bench on **26.09.2025**, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

11. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Daraundha (M.H. Nagar) P.S. Case No. 312 of 2025 to the satisfaction of learned ACJM-VI, Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document (Aadhar Card/Driving License/ Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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