IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73046 of 2026

CNR No. BRHC011067802026

Arising Out of PS. Case No.-166 Year-2023 Thana- PALASI District- Araria

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1. Md. Shafique @ Md. Shafique Alam S/O Late Iliyas R/O R/O Village- Sangora, Ward No. 5, P.S.- Palasi, Dist.- Araraia.
2. Md. Rahbar @ Md. Rahbar Alam S/O Md. Shafique @ Md. Shafique Alam R/O R/O Village- Sangora, Ward No. 5, P.S.- Palasi, Dist.- Araraia.
3. Md. Sarwar @ Munna @ Md. Sarwar Alam S/O Md. Shafique @ Md. Shafique Alam R/O R/O Village- Sangora, Ward No. 5, P.S.- Palasi, Dist.- Araraia.
4. Md. Khurshid @ Khursheed S/O Kasim R/O R/O Village- Kumhiya, Ward No. 4, P.S.- Palasi, Dist.- Araraia.
5. Md. Zafar @ Md. Zafar Alam S/O Kasim R/O R/O Village- Kumhiya, Ward No. 4, P.S.- Palasi, Dist.- Araraia.
6. Md. Mahtab @ Mahtab Alam S/O Late Samdani R/O R/O Village- Kumhiya, Ward No. 4, P.S.- Palasi, Dist.- Araraia.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate
For the State : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Palasi P.S. Case No. 166 of 2023 registered for the offence under Sections 341, 323, 302, 504, 506 and 34 of the Indian Penal Code lodged on 28.05.2023 by the informant, Salauddin.

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3. As per the prosecution story, while his elder brother (since deceased) was ploughing field, the accused persons scuffled with him as a result whereof he fell down and due to assault became unconscious and was taken to the hospital but died. This led to the F.I.R.

4. Learned counsel for the petitioners submit that it was a scuffle, he fell down and that resulted into his death. This was taken note by the Police in course of investigation and as such final form was submitted on 30.11.2024 recording lack of evidence.

5. However, the learned Chief Judicial Magistrate diferred with it and took cognizance on 31.10.2025 necessitating the present petition. The submission is that they are ready to appear in trial diligently.

6. Learned APP opposes the prayer submitting that ultimately cognizance has been taken in the matter.

7. Considering the submissions of the parties aforesaid as also that earlier final form was submitted but now cognizance taken, one of the petitioner is 72 years old, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail in the event

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of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Palasi P.S. Case No. 166 of 2023 subject to the following conditions:-

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

(ii) the petitioners shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) 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 his/her bail bond by the Trial Court itself;

(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

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criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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