

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79861 of 2025

Arising Out of PS. Case No.-207 Year-2022 Thana- KHAGARIA District- Khagaria

Md. Khurshid Alam S/O Abdul Kadir Resident of Village- Bakari, P.S.-
Khodabandpur, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Khagaria P.S. Case No. 207 of 2022, lodged on 10.03.2022,
under Sections 395 & 397 of the Indian Penal Code, pending
before the Court of C.J.M., Khagaria.

3. Learned counsel for the petitioner submits that the
petitioner's bail application was earlier rejected vide order dated
18.01.2025 passed in Cr. Misc. No. 28247 of 2024. He further
submits that the petitioner has been in custody since 09.08.2023.
He further submits that four other accused persons, namely,
Sumit Kumar, Prince Kumar, Raja Sahani @ Maikal @ Amar
Mahesh Sahni and MD. SHAHNAWAZ ALAM @ SONU, have
already been granted bail by different co-ordinate Benches of



this Court in Cr. Misc. No. 13411 of 2023, Cr. Misc. No. 30357 of 2024, Cr. Misc. No. 86673 of 2023 and Cr. Misc. No. 45543 of 2023, respectively. He further submits that three accused persons, namely, Md. Rahmat, Abhijeet Kumar @ Ajay Kumar @ Ajay Rai @ Ajay Rai Patnawala and Pankaj Singh @ Pankaj Kumar Singh @ Pankaj Kumar, have also been granted bail by the Hon'ble Supreme Court of India in SLP (Crl.) No(s). 4905 of 2025, SLP (Crl.) No(s). 929 of 2025 and SLP (Crl.) No(s). 3557 of 2025, respectively. He also submits that the petitioner may also be directed to be released.

4. Learned APP for the State, on the other hand, vehemently opposes the prayer for bail and submits that four criminal cases are pending against the petitioner, as mentioned in paragraph No. 3 of the bail petition, the details of which are as follows:-

(i) Khodabandpur P.S. Case No. 233 of 2018 under Sections 302 & 34 of the Indian Penal Code.

(ii) Biraul P.S. Case No. 122 of 2022 under Sections 395, 397 412, 120B of the Indian Penal Code along with Section 27 of the Arms Act.

(iii) Benipur P.S. Case No. 165 of 2022 under Sections 399, 402 and 400 of the Indian Penal Code along with



Sections 25(1-b)a, 26 and 35 of the Arms Act.

(iv) Biraul P.S. Case No. 167 of 2022 under Sections 413, 414 and 212 of the Indian Penal Code.

5. Counsel further submits that the present case has been instituted as Khagaria P.S. Case No. 207 of 2022 under Sections 395 and 397 of the Indian Penal Code. Counsel further submits that this Court, vide order dated 19.12.2025, directed the petitioner to file a supplementary affidavit bringing on record substantial proof to show that he is not absconding in any of the cases mentioned above.

6. Counsel further submits that this Hon'ble Court has also been pleased to call for a report with regard to the present stage of the trial and in the said report, it has been intimated by the Trial Court that in the present case, i.e., Khagaria P.S. Case No. 207 of 2022, there are six accused persons and the case is pending for the appearance of the present petitioner (Md. Khurshid).

7. Counsel further submits that the petitioner has also filed a supplementary affidavit stating that he has never been declared an absconder in any criminal case, rather, he has explained that he was arrested in Khodabandpur P.S. Case No. 233 of 2018 on 07.09.2019 and was released on bail on



15.01.2022. Thereafter, the petitioner was again taken into custody on the basis of a production warrant on 01.08.2022 in the same case. However, this statement is incorrect, as the present petitioner is in custody in Benipur Jail, Darbhanga, in connection with Biraul P.S. Case No. 165 of 2022. The petitioner has been continuously writing to the Court praying that he may be produced from the custody of Benipur Jail, Darbhanga, in connection with Biraul P.S. Case No. 165 of 2022, which is apparent from the orders dated 27.07.2022 and 30.09.2022. In this regard, the Trial Court has also sought an explanation from the Jail Superintendent, Darbhanga, for non-production of the present petitioner.

8. However, the fact remains that the petitioner, who is in custody in Biraul P.S. Case No. 165 of 2022, was granted bail vide order dated 29.11.2023 passed in Cr. Misc. No. 74041 of 2023, annexed as Annexure-P/6 to the supplementary affidavit, but he has not furnished the bail bond. Due to non-furnishing of the bail bond in Biraul P.S. Case No. 165 of 2022, he continues to remain in custody in the said case.

9. Counsel further submits that from the supplementary affidavit, it also transpires that the petitioner was also an accused in Biraul P.S. Case No. 122 of 2022, in which



he was granted bail vide order dated 18.10.2023 passed in Cr. Misc. No. 67721 of 2023, annexed as Annexure-P/7 to the supplementary affidavit, however, he has not furnished the bail bond in that case as well.

10. Counsel further submits that in paragraph No. 3 of the bail petition, it has been stated that in Biraul P.S. Case No. 167 of 2022, the petitioner is on bail, however, in paragraph No. 4 of the supplementary affidavit, the petitioner has stated that in the said case, i.e., Biraul P.S. Case No. 167 of 2022, he is in judicial custody and not on bail.

11. Counsel further submits that in the supplementary affidavit, the petitioner has made submissions regarding Biraul P.S. Case No. 165 of 2022, whereas in paragraph No. 3 of the bail petition, he has referred to Benipur P.S. Case No. 165 of 2022.

12. Counsel further submits that the petitioner is playing hide and seek and is presently languishing in Benipur Jail, Darbhanga, in connection with Biraul P.S. Case No. 122 of 2022, Biraul P.S. Case No. 165 of 2022 and Biraul P.S. Case No. 167 of 2022. Counsel further submits that in Biraul P.S. Case No. 122 of 2022 and Biraul P.S. Case No. 165 of 2022, he was granted bail in both cases but has not furnished the bail bonds.



13. Upon perusal of the record and the annexures attached to the supplementary affidavit, it transpires to this Court that, on the one hand, the petitioner is in custody in Benipur Jail, Darbhanga, in connection with three cases, namely, Biraul P.S. Case No. 122 of 2022, Biraul P.S. Case No. 165 of 2022 and Biraul P.S. Case No. 167 of 2022. He has been granted bail in two cases, namely, Biraul P.S. Case No. 122 of 2022 and Biraul P.S. Case No. 165 of 2022, but has not furnished the bail bonds, whereas in Biraul P.S. Case No. 167 of 2022, he is not on bail as per the supplementary affidavit, but made statement in paragraph No. 3 of the bail application that he is on bail.

14. On the other hand, he has been repeatedly filing petitions in Khodabandpur P.S. Case No. 233 of 2018 for his production, the Trial Court has also issued a production warrant. In the supplementary affidavit, there is no disclosure regarding Benipur P.S. Case No. 165 of 2022, but in paragraph No. 3 of the bail application, Benipur P.S. Case No. 165 of 2022 is mentioned.

15. Therefore, this Court is of the firm view that the petitioner has not come before this Court with clean hands and is attempting to hide from the Court. It is relevant to quote the



said report submitted by the Trial Court contained in Letter No.07/2026 dated 05.01.2026, the extract of the same is as follows:-

Letter No. 07 / 2026

From, Sanjay Kumar-II
District & Addl. Sessions Judge-1st
Khagaria.

To, The Assistant Registrar,
High Court of Judicature at Patna.

Subject: Sending of report regarding present stage of trial and time frame in which trial is likely to conclude in connection with Khagaria PS Case No. 207 of 2022 in Criminal Miscellaneous No. 79861 of 2025.

Ref. : Hon'ble High Court's order dated 19.12.2025 passed in Criminal Miscellaneous No. 79861 of 2025.

Khagaria, Dated 05.01.2026

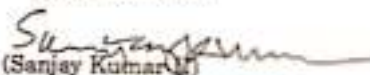
Sir,

With due respect, I have to say that Hon'ble High Court is pleased to call for a report regarding present stage of trial and time frame in which trial is likely to conclude in connection with Khagaria PS Case No. 207 of 2022. In this context, I have say that this case has been committed on 07.02.2025 and received in this Court on transfer from the Court of District & Additional Sessions Judge-V on 31.05.2025. There are six accused in this case. One accused namely Ajay Raj @ Patna Wala is on bail. PW issued against three accused namely Md. Khurshid, Md. Rahmat and Anil Singh and NBW issued against accused Raja Sahani @ Raja Kumar and Pankaj Singh. Presently this case is pending for appearance of accused Md. Khurshid, Md. Rahmat, Anil Singh, Raja Sahani @ Raja Kumar and Pankaj Singh.

Further, this case is on appearance stage and it likely to be concluded about nine months.

It is, therefore, requested to place this report before the Hon'ble Court for kind information and needful.

Yours faithfully,


(Sanjay Kumar-II)

District & Addl. Sessions Judge-1st
Khagaria.

16. By the aforesaid report, it is clear that the case in which the petitioner is seeking bail is pending for his appearance, as is evident from the report of the District &



Additional Sessions Judge-1st, Khagaria.

17. In the present facts and circumstances of this case, and in view of the submissions made above, this Court is not inclined to grant bail to the petitioner at this stage, as his case is found to be different from those of the other accused persons to whom bail has been granted. Accordingly, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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