

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77971 of 2025

Arising Out of PS. Case No.-264 Year-2025 Thana- BANIAPUR District- Saran

Israfil Khan @ Isarafal Khan S/O Mahadin Khan Resident of village - Karah,
P.S- Baniyapur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 81323 of 2025

Arising Out of PS. Case No.-264 Year-2025 Thana- BANIAPUR District- Saran

Sahjad Khan @ Shajad Khan S/o Idirish Khan Resident of Karah Dargahi
Tola, PS- Baniyapur, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 77971 of 2025)
For the Petitioner/s : Mr. Aryan Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
For the Informant : Mr. Dhananjay Kumar Tiwary, Advocate
(In CRIMINAL MISCELLANEOUS No. 81323 of 2025)
For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2026 Heard Mr. Aryan Singh, learned counsel for the

petitioner and Mr. Jharkhandi Upadhyay, learned Additional

Public Prosecutor for the State (in Cr. Misc. No. 77971 of 2025)

and Mr. Sanjeev Kumar, learned counsel for the petitioner as

well as Mr. Anil Kumar Singh No. 1, learned Additional Public

Prosecutor for the State (in Cr. Misc. No. 81323 of 2025) and



Mr. Dhananjay Kumar Tiwary, learned counsel for the Informant.

2. Petitioners seek bail who are in custody since 15.06.2025 in connection with Baniyapur P.S. Case No. 264 of 2025, F.I.R. dated 14.06.2025 for the offences punishable under Sections 191(2), 191(3), 190, 127(1), 115(2), 118(1), 117(2), 109, 103(1), 76, 351(2), 352 and 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the petitioner and other co-accused persons are alleged to have assaulted the informant and her family members. Due to assault her husband got grievous injury and died during the treatment.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they falsely been implicated in the present case. The allegation levelled against the petitioners is false and fabricated. Although the petitioners are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against them rather there is general and omnibus allegation against all the accused persons including the petitioners. It appears from the FIR that FIR is in two parts, in first part there is no specific allegation and in second part, specific allegation is attributed



against five persons including the petitioner, namely, Israfil Khan @ Isarafal Khan, that he along with other co-accused persons have assaulted the husband of the informant but injury report of the husband of the informant suggest that he has received only one injury which is falsify the case of the prosecution and similarly situated co-accused person, namely, Chand Khan @ Abdul Mannan has been granted the privilege of anticipatory bail by this Court vide order dated 12.01.2026 in Cr. Misc. No. 89162 of 2025. The police after investigation submitted charge-sheet and the petitioners are in custody since 15.06.2025.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is no specific allegation of assault or overt against the petitioners and similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court , let the petitioners, 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-1st



Class, Saran, Chapra in connection with Baniyapur P.S. Case
No. 264 of 2025, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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