

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79899 of 2025

Arising Out of PS. Case No.-758 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Md. Shamim Akhtar S/o- Md. Noor Alam R/v- Nasirganj, Hariganj Chowk
Ps- Katihar Po- Katihar Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Saroj Kumari Choudahry, Advocate
For the informant	:	Mr. Mr. Kamlesh Kumar, Advocate
		Ms. Kahkashan Alam, Advocate
For the Opposite Party/s	:	Mr.Choubey Jawahar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with Katihar
Nagar P.S. Case No. 758 of 2024, instituted for the offences
under Sections 80, 103(1), 115(2), 351(2), 351(3) and 3(5) of
the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that on 13.10.2024, the
petitioner informed the informant that his daughter is unwell.
When informant along with other family members went to the
house of petitioner, they saw that his daughter was lying on the
bed and no movement in the body. It is alleged that when
informant tried to take away the dead body of the deceased to



his house, then petitioner and his other family members attacked on him with sharp-edged weapon.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that petitioner is the husband of the deceased. The marriage was solemnized with the deceased in the year 2011. In para-43 and 44 of the case diary, the sons of the petitioner and deceased have given their statements that their mother (deceased) used to fall ill on several occasions and petitioner always used to take her to the Doctor for treatment. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.06.2025 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned



Court in connection with Katihar Nagar P.S. Case No. 758 of 2024, subject to the following conditions:

(I) One of the bailors shall be the petitioner’s own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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