

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85111 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- JALALGARH District- Purnia

Md Naiyar @ Md Mursaline @ Mursalin Son of Late Sahar Ali Residents of
Bharaili, P.S. - Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 20-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 103 (1) and 3 (5) of the BNS.

3. The case of the prosecution is that while the petitioner was ploughing the filed, the informant along with others arrived at the spot and allegedly started abusing and threatened him. During the ensuing altercation, a scuffle took place. In the course of the scuffle, it is alleged that the petitioner had fired at Md. Saifuddin causing a gun shot injury to the right side of his chest. As a result of the said injury, Md. Saifuddin succumbed to his injuries.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that there is also a counter version of this case and in that case, Sahar Ali had received gun shot injury as a result of which he died. It is further submitted that there was a free fight between the parties and both sides sustained injuries wherein members from both sides sustained injuries and one person from each side lost his life. It is contended that a perusal of the case diary, it would transpire that the petitioner himself had also sustained injuries during the occurrence. It is further submitted that the informant party was the aggressor having arrived at the field of the petitioner, thereby giving rise to the incident in question. Moreover, the petitioner is languishing in judicial custody since 13.06.2025 having no criminal antecedent.

5. Learned APP appearing for the State has opposed the prayer for regular bail, submitting that there is direct and specific allegation of firing against the petitioner. It is contended that the petitioner is the main assailant and the said allegation stands substantiated by the postmortem report which indicates that the deceased died on account of gun shot injury.

6. Considering the aforesaid facts and circumstances of the case and the materials available in the case diary, I am not



inclined to grant bail to the petitioner. Accordingly, the bail application of the petitioner stands rejected at this stage. However, the petitioner shall be at liberty to renew his prayer for bail after six months. This Court further directs that the trial of the case be expedited.

(Ashok Kumar Pandey, J)

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