

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89811 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- DAGARUA District- Purnia

Ahasan S/O Md. Hasim Resident of Village- Dubeli, Ward No. 4, P.S-
Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-01-2026 Heard Mr. N.K. Agarwal, learned Senior counsel for
the petitioner, Mr. Tahmeed Helal representing the informant as
also Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending his arrest in
connection with Dagarua P.S. Case No. 70 of 2025 for the
offence under sections 105, 110 and 287 of the BNS Act lodged
on 01.03.2025 by the informant, Md. Mohib.

3. As per the prosecution story, the informant alleged
that his father had gone to attend the feast in the house where
Hasim who was preparing food on a gas stove. The allegation is
that Md. Hasi @ Hasim used to sell petrol/diesel which were
kept beside the stove and suddenly fire broke out. The
informant/family members rushed to the place, his father as also
the informant side sustained fire-arm injuries, shifted to Sadar



Hospital Purnea then to Bhagalpur Jawaharlal Nehru Medical College Hospital and finally, to the Patna Medical College Hospital where his father succumbed to the said burn injuries. This led to the FIR.

4. Learned Senior counsel for the petitioner submits that a perusal of the FIR would show that allegation is mainly against Md. Hasi that he was preparing food and also used to illegally sell petrol/diesel. The petitioner is the son of Md. Hasi and in a zeal to implicate everyone, this petitioner has also been rounded off.

5. Learned counsel representing the informant, on the other hand, opposes the prayer submitting that all the family members collectively used to sell diesel/petrol and the anticipatory bail of Md. Hasim @ Hasi already stands rejected by a Coordinate Bench in Cr. Misc. No. 42387 of 2025.

6. This Court has gone through the facts of the case as also the submissions of the parties, unfortunate incident took place, the administration/Police officials have failed in their duties to ensure that in the locality, no such illegal sell of petrol/diesel takes place. However, so far as the present case is concerned, allegation is mainly against Md. Hasim @ Hasi that he had stocked diesel/petrol illegally and was preparing food



when the father of the informant went to attend the feast, suffered burn injuries, ultimately died. No role of the petitioner has been alleged in the FIR, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event 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) with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Purnea in connection with Dagarua P.S. Case No. 70 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter I.D. Card/Driving License/Pan Card) to show his/her bona fide;

(ii) the petitioner 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 bail bond by the Trial Court itself;

(iii) the petitioner 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;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Before parting, this Court would like to put on record its word of appreciation for Mr. Md. Tahmeed Helal, learned counsel for the informant for the assistance rendered in the matter.

(Rajiv Roy, J)

Adnan/-

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