

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89065 of 2025

Arising Out of PS. Case No.-322 Year-2025 Thana- SAKRA District- Muzaffarpur

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Mahamad Javed @ Mohammad Javed @ Md. Javed S/o Late Jamil Akhtar @
Jamel Akhtar Resident of village- Gannipur Bhejha, P.S.-Sakra, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s :	Mr. Gauri Shankar Gupta, APP
For the Informant :	Mr. Nooren Rahman, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-01-2026 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner, Mr. Nooren Rahman, learned counsel for the

informant and Mr. Gauri Shankar Gupta, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sakra P.S. Case No. 322 of 2025, F.I.R. dated
20.06.2025 for the offences punishable under Sections 126(2),
115, 118, 117, 109 and 3(5) of the BNS, 2023.

3. According to prosecution case, all the accused
persons including this petitioner over a land dispute brutally
assaulted the informant and his daughter and took away cash
and gold chain from his house.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. The present case is counter blast of Sakra P.S. Case No. 313 of 2025 which was filed on behalf of the petitioner. He further submits that both the parties are agnate to each other and there is dispute over the partition of family property between the parties. From perusal of the F.I.R it is apparent that the only allegation against the petitioner is that he had given a lathi blow on the left hand of the informant due to which he received injury but the injury report of the injured person suggest that he has been advised for X-Ray for both shoulder and no injury is on the left hand of the informant. He further submits that the informant is suffering from acute liver disease from much before and he was under treatment at the Institute of Liver and Biliary Science, New Delhi and he has been admitted in the said hospital on 20.06.2025 and due to some complication the informant was advised to move to AIIMS, New Delhi. On 04.07.2025 he was admitted at AIIMS and on the same day he expired. It appears from the aforesaid that the informant died during the course of treatment of liver infection. No postmortem was conducted at the AIIMS, New Delhi and the body was handed over to the relative of the informant. The dead body was brought to Sakra on 05.07.2025



and postmortem was conducted at Muzzafarpur. Thus, it is apparent that the cause of death is liver disorder due to acute hepatitis but the informant side has painted a picture that the petitioner has committed murder of the informant. From perusal of the postmortem report it appears that the cause of death has not been mentioned in the said report by keeping the opinion reserved by the doctor and due to this reason, no step has been taken by the Investigating Officer for adding Section 103 of the BNS. He further submits that the similarly situated co-accused, namely, Md. Makbul and Md. Mahfuj have been granted anticipatory bail vide order dated 14.11.2025 passed in A.B.P. No. 264 of 2025 by the learned court below itself.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he had given lathi blow on the left hand of the informant due to which he died.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is case and counter case between the parties as well the reports of AIIMS and Institute of Liver and Biliary Science, New Delhi, let the



petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Sessions Judge 2nd, Muzaffarpur in connection with Sakra P.S. Case No. 322 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

ii. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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