

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89487 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- KADWA District- Katihar

Riyaz @ Riyaz Alam Son of Late Bahrul Hoda Resident of Village-
Bhaisbanda, P.S.- Balia Belon, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-01-2026 Heard the parties.

2. The petitioner is apprehending arrest in connection with Kadwa P.S. Case No. 85 of 2025 instituted under Sections 126(2), 115(2), 109, 76, 303(2), 351(2), 3(5), 118(1) of the Bhartiya Nayay Sanhita, 2023 lodged on 15.04.2025 by the informant, Dilkhush Raza.

3. As per the prosecution story, the informant alleged that while he had gone to his field, the accused persons came and on the point of revolver, got an agreement signed. Thereafter, Md. Khurshid opened fire which did not hit him. This petitioner gave blow on the head causing injury, the accused persons also outraged the modesty of the lady inmate and took cash amount/ornament. This followed the FIR.

4. Learned counsel for the petitioner submits that



allegation of opening fire is against Md. Khurshid, so far as allegation against him is concerned, though it is alleged that he gave blow on the head, no injury report is on record. Only because, he has criminal antecedent, implicated.

5. Learned APP opposes the prayer submitting that he has criminal antecedent which was concealed before the learned Sessions Judge.

6. Considering the submissions of the parties as also the materials on record, the injury sustained by the injured is not on record, the allegation of opening fire is against Md. Khurshid, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Kadwa P.S. Case No. 85 of 2025 to the satisfaction of learned Chief Judicial Magistrate, Katihar subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) 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 appear before the concerned police station every fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) 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;

(v) 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.

(Rajiv Roy, J)

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