

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1798 of 2026

Arising Out of PS. Case No.-120 Year-2025 Thana- HABIBPUR District- Bhagalpur

Md. Talib Son of Md. Jabrayal @ Jabbo @ Md. Jubrayeel @ Jubbo Resident
of Village- Badre Alampur, P.S.- Habibpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 126(2), 115(2), 118(1),
103(1), 109, 352, 351(2) (3) and 3(5) of the Bharatiya Nyaya
Sanhita, 2023.

3. While the informant was regressing to his home
after watching fair at Shahjangi, the petitioner in association of
other co-accused is said to have assaulted him and his brother
which eventually led to the death of his brother.

4. It is submitted by learned counsel for the
petitioner that it would be evident from the F.I.R. that there are
general and omnibus allegations against the petitioner and
others of having assaulted the deceased causing injury to him



which eventually led to his death. However, the confessional statement of co-accused, Hasim recorded during the course of investigation in para-5 of the case diary would clearly indicate that it was Md. Hasim who snatched the knife from the hand of the informant. It further indicates that Md. Saddam had taken knife from the hand of the informant for the purposes of assaulting Md. Hasim and he snatched the same from the hands of the deceased and gave 2-3 knife blows in his stomach which led to his death. So far as the petitioner is concerned, it has been submitted that he used to stay at Mumbai for the last 15 years and had only come to the native village on the event of Muharam and false allegations were attributed to him. The petitioner has been languishing in custody since 09.07.2025, with no criminal antecedent and after framing of charge one out of 12 chargesheet witnesses have been examined on 13.02.2026, as such there is no likelihood that the trial would be concluded in near future.

5. Learned APP for the State opposed the bail petition.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that there are general and omnibus allegations in the F.I.R and he is not



said to be assailant of the occurrence, coupled with the fact there is no likelihood that the trial may be concluded in near future, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Habibpur P.S. Case No.120 of 2025, subject to the conditions that :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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