

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89547 of 2025

Arising Out of PS. Case No.-296 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

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Habib Sah Son of Makbul Sah Resident of Village - Badlu Tola, P.S.- Chapra
Muffasil, District - Saran at Chapra (Bihar).

.. ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Nath Ojha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 15-01-2026 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 302 and 34 of the Indian Penal Code.

3. The case of the prosecution is that the aunt of the informant, namely, Najma Khatoon was allegedly assaulted by Azad Sah by means of ‘*lathi*’ on her head as a result of which she sustained a head injury and subsequently died.

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 the



alleged occurrence is said to have taken place on 06.05.2024 whereas the First Information Report was lodged on 18.05.2024. There is delay of 12 days in filing of the FIR but that delay has not been explained. It is further submitted that petitioner had approached this court for grant of pre-arrest bail and similarly situated co-accused, namely Noor Mohammad, against whom there was specific allegation of assaulting a family members, was granted pre-arrest bail by this court vide order dated 07.11.2025. It is further submitted that vide order dated 18.07.2025, this Court had directed that no coercive steps be taken against the petitioner till 22.08.2025 however, despite the said protection, the petitioner was arrested on 23.07.2025. It is further submitted that the main thrust of allegation is against Azad Sah and the petitioner has not been attributed any overt act causing the fatal injury.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chapra Muffasil P.S. Case No. 296 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Saran.

(Ashok Kumar Pandey, J)

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