

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91386 of 2025

Arising Out of PS. Case No.-177 Year-2025 Thana- PAKARIBARAW District- Nawada

Md. Rahat Hussain @ Md. Rahat Ansari @ Feku Mian S/O Late Md. Israil Ansari @ Late Md. Israil Resident of- Pakri Barawan Bari Talab, P.S.- Pakri Barawan, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Arjun Prasad No. 1, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 26-03-2026 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners have prayed for bail in connection with Pakri Barawan P.S. Case No. 177 of 2025 registered for the offence punishable under Sections 103, 3(5) of the B.N.S., 2023.

3. The case of the prosecution, in short, is that the son of the informant, namely, Md. Shakil was living at his matrimonial home. The informant received information that his son had died and there were marks of assault on his body. When he asked Mustafa Miyan, he did not disclose anything. The informant suspects that Md. Gabbar, Md. Mustafa, Sabina Khatoon, and 2-3 other persons have killed the deceased.

4. Learned counsel appearing on behalf of the



petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. He also submits that from perusal of the FIR, it is clear that the name of this petitioner is not there in the FIR. He also submits that from perusal of the para-6 of the case diary, it is clear that it has been disclosed by the locals that the petitioner, along with others, has assaulted the deceased. He also submits that during the course of the investigation in paragraph 44 of the case diary, it has come out that in the CCTV footage, it was found that the petitioner also assaulted the deceased with his leg. He further submits that from perusal of the post-mortem report, it transpires that the doctor conducting *Autopsy* of the deceased has found the following antemortem injuries:

(i) Multiple abrasions are present over the body.

(ii) Bruise 2x3 inch over upper part of abdomen

(iii) Abrasion 1x0.5 inch in right elbow,

(iv) Abrasion 3/4x0.5 inch over left knee on dissection. No any other visible injury seen over body.

5. Learned counsel for the petitioner also submits that regarding the cause of death, it has been opined that the exact cause of death could not be ascertained, so viscera was preserved for chemical examination. He further submits that as per the FIR,



the allegation is that the petitioner, along with others, has killed the deceased. At most, the allegation against the petitioner is that he has also assaulted the deceased with his leg to the deceased. He further submits that the antemortem injuries that were found on the person of the deceased are not sufficient to cause death, i.e., why the doctor conducting the autopsy has opined that the exact cause of death could not be ascertained and the viscera were preserved. Moreover, the petitioners are languishing in judicial custody since 31.07.2025.

6. The application for bail is opposed by learned APP for the State and submits that the petitioner is having criminal antecedent of one case.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Nawada in connection with Pakri Barawan P.S. Case No. 177 of 2025.

(Ashok Kumar Pandey, J)

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