

IN THE COURT OF SESSIONS JUDGE, AURANGABAD (BIHAR)

B.P. No. 249/2026

Arising out of Aurangabad (Town) P.S. Case No. 377/2023

Present:- Rajeev Ranjan Kumar, Sessions Judge, Aurangabad (Bihar)

Nehaluddin Khan, S/o Ekbaluddin Khan, age-31 years, R/o village- Ali Nagar, P.S.-
Town, District- Aurangabad (Bihar).

... .. Petitioner(s)

Versus

The State of Bihar

... ..Opposite Party(s)

Appearance :

For the Petitioner(s)	:	Sri Ashok Kumar Gupta, Adv.
For the Informant	:	Mr. Md. Merajussalam, Adv.
For the State	:	Sri Ajay Kumar, P.P.

10.03.2026

The petitioner, who has been undergoing judicial custody since 18.02.2026, preferred this application for grant of regular bail in connection with Aurangabad (Town) P.S. Case No. 377/2023 instituted for the offence u/s 147, 149, 341, 323, 324, 307, 354, 379, 504, 506 of the Indian Penal Code. A copy of the bail petition has been served upon Ld. P.P. for the state.

The brief facts of the case are that the on 30.05.2023, the accused persons entered into the house of the informant Sanjida Khanam and abused her. In the meanwhile, Saba Khanam and Musrat Khanam assaulted to her by fists and legs and Nehaluddin Khan (petitioner herein) caught her hair and pushed her. Saba Khanam pressed her neck. The accused persons brutally assaulted to the son of informant named as Ali Gauhar Khan. It is further alleged that petitioned had tried to hit the son of informant with bhujali, which hit the informant leading to head injury.

It has been submitted by the learned counsel appearing for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. The informant and the petitioner are family members. The present case is the counter blast of Mahila P.S. Case No. 20/2023. It is further submitted that earlier the petitioner has preferred anticipatory bail petition bearing no. 1847/2024 before this court, but the same was rejected vide order dated 01.10.2024. Thereafter, he moved before the Hon'ble High Court through Cr. Misc. No. 83190 of 2024 and the same was dismissed as 'not maintainable'. Thereafter Cr. Revision No. 69/2024 has been preferred on behalf of

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the petitioner before this court, which was also dismissed as 'not maintainable'. It is further submitted that the the petitioner has already been granted bail by the court of learned C.J.M., Aurangabad. Later on, after submission of charge-sheet, his bail bond was cancelled by the learned C.J.M. due to concealment of criminal antecedent. Petitioner is having one criminal antecedent vide Fesar P.S. Case No. 99/2022. It is lastly submitted that the petitioner has been undergoing judicial custody since 18.02.2026. It is therefore prayed that the petitioner be given the privileges of bail.

On the other hand, learned counsel appearing on behalf of the informant as well as learned P.P. vehemently opposed the prayer for bail of the petitioner. Learned counsel for the informant submits before the court that although, the petitioner was released on bail, but he was subsequently committed crime and later on, he was taken into judicial custody. Hence, he does not deserve to be released on bail.

Heard learned counsel appearing for the petitioner as well as learned counsel for the informant and learned P.P. for the State.

From perusal of an F.I.R., it appears that four accused persons entered into house of the informant, abused her and tried to outrage her modesty. Later on, accused persons injured to the informant and her son and it is specifically alleged against the petitioner that he had caused head injury by sharp cutting weapon. From perusal of an F.I.R. and the document attached herewith, it appears that the petitioner was earlier released on bail by the court of learned C.J.M., Aurangabad vide order dated 18.09.2023 as the present F.I.R. was registered u/s 341, 323, 324, 379, 504, 506/34 of IPC and after investigation, charge-sheet has been submitted u/s 147, 149, 341, 323, 324, 307, 354, 379, 504, 506 IPC. There is an injury report attached with the case diary and from of perusal the injury report, it appears that the informant had sustained injury over her occipital region measuring 2" x 2" and another injury caused over her chest and after X-ray, her 6th rib fractured was found and as per injury report it was found to be grievous. The bail granted to the petitioner on 18.09.2023 by the court of learned C.J.M., Aurangabad, was rejected vide order passed on dated 02.05.2024 on the ground that the petitioner has concealed his criminal antecedent in his bail petition. From perusal of case diary, it appears that the petitioner was having one criminal antecedent vide Fesar P.S. Case No. 99/2022 registered for an offence u/s 147, 148, 341, 323, 354, 379, 504, 506 IPC. The petitioner has been undergoing judicial custody since 18.02.2026.

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Considering the fact that the petitioner was earlier released on bail and due to concealment of his criminal antecedent, the learned C.J.M. was pleased to reject his bail bond and thereafter, the petitioner has been taken under judicial custody due to concealment of criminal antecedent on the part of the petitioner. Now the petitioner has mentioned about criminal antecedent in the bail petition and he has been undergoing judicial custody till now. **Hence, the bail petition filed on behalf of the petitioner Nehaluddin Khan is hereby allowed.** It is directed to release the petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount.

Dictated

(Rajeev Ranjan Kumar)
Sessions Judge
Aurangabad (Bihar)