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Suman Kumar Divakar, ASJ – III, Darbhanga  
BP No. 103/2026  
with  
BP No. 201/2026  
(Arising out of Sakatpur P.S. Case No. 02/2026)  
Md. Akhalak and another versus the State of Bihar  
Date of Order – 23.03.2026

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III, DARBHANGA**

**Bail Petition No. 103/2026**

**with**

**Bail Petition No. 201/2026**

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**Bail Petition No. 103/2026**

**Md. Akhalak** s/o Gaffar, r/o Village – Baika, P.S. - Sakatpur, District – Darbhanga ----- Petitioner

versus

State of Bihar ----- Opposite Party

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**Bail Petition No. 201/2026**

**Md. Shahnawaz @ Shahnawaz** s/o Md. Gaffar, r/o Village – Baika, P.S. - Sakatpur, District – Darbhanga ----- Petitioner

versus

State of Bihar ----- Opposite Party

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**Appearance(s):**

Counsel for the Petitioner(s) : Subodh Kumar, Advocate.  
M. K. Mishra, Advocate.

Counsel for the State : A. N. Jha, Public Prosecutor.

Present:- Suman Kumar Divakar  
Bihar Superior Judicial Service

**ORDER**  
**23.03.2026**

1. The petitioners are praying for regular bail in connection with Sakatpur P.S. Case No. 02/2026 registered for the offences under Section 126(2), 115(2), 118(1), 109(1), 75, 329(3), 329(4), 352, 351(2), 3(5) of the Bhartiya Nayay Sanhita, 2023 (hereinafter referred to as 'BNS' for short). The petitioner namely Md. Akhalak in connection with BP No. 103/2026 has been in judicial custody

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since **12.01.2026** whereas the petitioner namely Md. Shahnawaz @ Shahnawaz in connection with BP No. 201/2026 has been in judicial custody since **09.02.2026**.

2. Both the petitions are being disposed of together as they arise from the same P.S. case.
3. Briefly stated, the specific allegation against the petitioner namely Md. Akhalak is that he assaulted Safina Khaton by means of iron rod whereas the petitioner Md. Shahnawaz carries an allegation of assaulting the Informant by means of iron rod on his head.
4. Learned counsel for the petitioners commonly submits that they are innocent. They are close door neighbors. The petitioner Akhalak has one criminal antecedent of the year 2019 being Sakatpur P.S. Case No. 88/2019 registered under Section 448, 451, 354(B), 509 IPC. He further submits that the title suit is pending between the parties and just to put pressure on the petitioners, the present case has been lodged. He further submits that the petitioner Shahnawaz has no criminal antecedent. In this backdrop, he prays for regular bail.
5. Learned Public Prosecutor opposed the prayer so made on behalf of the petitioners.
6. Heard the parties. Considered the submissions. Perused the material on record including case diary. There is property dispute between the parties. Injury report indicates that the injured Md. Muzahid (the Informant) has stitched wound of size 4cm over left side of forehead. NCCT brain indicates that there was mild scalp

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swelling over frontal bone in left side. No obvious intracranial contusion was found. There is no bony injury. The injured Safina Khatoon sustained stitched wound of size 3 cm over upper part of frontal region below hair line. No bony injury. NCCT brain indicates that mild scalp swelling over frontal bone. No obvious intracranial contusion was found. Thus, it appears that there is no allegation of repetition of assault. However, no final opinion has been given but equally, it has also not been reserved. It is written that final opinion should be taken from PHC, Taradih. Thus, by gathering inference from the injury report coupled with no indication of repeated assault and further, the property dispute between the parties and petitioners have spent more than month in judicial custody, I find it fit to exercise the discretion in favour of the petitioners. Accordingly, both the petitions stand **allowed**.

7. It is ordered that the petitioner would be released on bail on furnishing bail bonds of Rs. 15,000/- of two sureties of the like amount each to the satisfaction of learned Court concerned. Further, conditions as stipulated under Section 485 and 486 of BNSS. There is further condition that the petitioners shall make themselves present on each and every date of hearing subject to exemption by the learned court concerned in accordance with law.

(Suman Kumar Divakar)  
Additional Sessions Judge-III  
Darbhanga  
23.03.2026

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<b>Date of Judgement/order</b>	<b>23.03.2026</b>
<b>Date of reserving judgement/Order</b>	<b>23.03.2026</b>
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