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Santosh Kumar Pandey, D&ASJ – II, Darbhanga
ABP No. 803/2026
(Arising out of Bhalpatti P. S. Case No. 97/2025)
Md. Akmar @ Md. Aqmer Jamal and others versus the State of Bihar
Date of Order – 16.06.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA
Anticipatory Bail Petition No. 803/2026

- 1. Md. Akmar @ Md. Aqmer Jamal** s/o Md. Ozair Alam,
2. Md. Rahbar @ Mohammad Rahbar Bedar s/o Md. Ozair Alam,
3. Md. Ozair Alam s/o Late Israrul Haque, all are resident of Village - Gairpur Loam, P.S.
- Sadar, District - Darbhanga ----- Petitioners

versus

State of Bihar ----- Opposite Party

Appearance(s):

Counsel for the Petitioner(s) : Md. Hassamul Haque, Learned Advocate.
Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.
Counsel for the Informant : Md. Islam, Learned Advocate.

ORDER
16.06.2026

1. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the privilege of anticipatory bail in connection with Bhalpatti P.S. Case No. 97 of 2025 registered for offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.
2. The prosecution case, in brief, is that a dispute concerning possession and title over land situated at Mauja Andheri, Khata No. 242, Khesra No. 556 has been continuing between the Informant and the accused persons for the last several years. It is alleged that proceedings under Section 144 Cr.P.C. had also been initiated in relation to the said land. According to the Informant, on 27.11.2025 the accused persons were carrying out construction work over the disputed land. Upon objection being raised and information being given to the police, personnel from Bhalpatti Police Station arrived at the spot and directed both sides to appear before the police station with relevant documents. It is further alleged that thereafter all the accused persons, including the present petitioners, arrived at the Informant's workplace armed with weapons, abused him and assaulted him. Specific allegation has been levelled against petitioner no. 1, namely Md. Akmar @ Md. Aqmer Jamal, that he fired from a pistol, though the shot allegedly struck a vehicle and did not cause any bodily injury to the Informant.
3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated on account of the pre-existing

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land dispute. It has been argued that the prosecution case is a result of long-standing civil hostility between the parties and that there exists a case and counter-case arising out of the same dispute. Learned counsel further submitted that petitioner nos. 1 and 3 have two criminal antecedents each, whereas petitioner no. 2 has three criminal antecedents; however, mere existence of antecedents cannot by itself constitute a ground for denial of anticipatory bail unless there are circumstances indicating likelihood of misuse of liberty. It has further been contended that except for Section 27 of the Arms Act, all the offences alleged are otherwise bailable in nature and, significantly, the Investigating Agency has not found the allegation under Section 27 of the Arms Act to be substantiated till the present stage of investigation. On these grounds, prayer has been made for grant of anticipatory bail.

4. Learned Public Prosecutor, assisted by learned counsel appearing on behalf of the Informant, opposed the prayer and submitted that the allegations are serious in nature and that the petitioners are specifically named in the First Information Report. It has been argued that the discretionary relief of anticipatory bail should not be extended in favour of the petitioners.
5. I have heard the learned counsel for the parties and carefully examined the materials available on record including the case diary. From the First Information Report and the materials collected during investigation, it appears that the petitioners have been named in the occurrence and specific allegation of firing has been attributed to petitioner no. 1. However, it also emerges from paragraph 42 of the case diary that, as on date, the Investigating Agency has not found the allegation under Section 27 of the Arms Act to be substantiated. Further, paragraph 81 of the case diary reveals that the Informant was not medically treated at any hospital nor does the case diary presently disclose any injury report in support of the allegation of assault. The materials available on record further indicate that there exists a long-standing land dispute between the parties and that litigations and counter-cases are pending between them. The genesis of the occurrence, therefore, appears to be rooted in a property dispute, which is a relevant circumstance while assessing the necessity of custodial interrogation and the possibility of false implication arising out of pre-existing hostility. Although the petitioners have criminal an-

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tecedents, the law is equally settled that criminal antecedents, by themselves, cannot operate as an absolute bar to grant of anticipatory bail. The Court is required to evaluate the nature of the accusation, the role attributed to the accused, the stage of investigation and the necessity of custodial interrogation. In the facts of the present case, the materials presently available do not justify denial of the protective relief solely on account of antecedents.

6. Having regard to the nature of accusations, the admitted existence of a land dispute between the parties, the absence of any injury report, the present finding of the Investigating Agency regarding Section 27 of the Arms Act, the existence of case and counter-case, and the absence of any demonstrated necessity for custodial interrogation, this Court is of the considered opinion that the petitioners have succeeded in making out a fit case for grant of anticipatory bail.
7. Accordingly, the application is **allowed**.
8. It is directed that in the event of arrest or surrender before the learned Court concerned within a period of six weeks from the date of this order, the petitioners, namely **(i) Md. Akmar @ Md. Aqmer Jamal, (ii) Md. Rahbar @ Mohammad Rahbar Bedar and (iii) Md. Ozair Alam**, shall be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, subject to the conditions prescribed under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
9. The petitioners shall also cooperate with the Investigating Agency as and when required and shall remain present before the Investigating Officer whenever called for the purpose of investigation.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
16.06.2026

Date of Judgement/order	16.06.2026
Date of reserving judgement/order	16.06.2026
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