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Santosh Kumar Pandey, D&ASJ - II, Darbhanga
BP No. 518/2026
(Arising out of Laheriasarai P.S. Case No. 245/2026)
Arman Mallik @ Hasnain Shiekh @ Aman @ Md. Hasnain Alam and versus the State
of Bihar.
Date of Order - 16.06.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE - II, DARBHANGA
BP No. 518/2026

1. Arman Mallik @ Hasnain Shiekh @ Aman @ Md. Hasnain Alam s/o Md. Manzar Alam,

2. Md. Manzar Alam @ Manzar Alam s/o Late Noor Alam, both are resident of Mohalla - Rahamganj, P.S. - Laheriasarai, District - Darbhanga Petitioners
versus

State of Bihar

.....Opposite Party

Counsel for the Petitioner (s) : Sri Afab Ahmad, Learned Advocate.

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

ORDER

16.06.2026

1. The present application has been filed on behalf of the petitioners seeking regular bail in connection with Laheriasarai P.S. Case No. 245 of 2026, registered for offences punishable under Sections 103(1), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act. The petitioners are stated to be in judicial custody since **05.05.2026**.
2. The prosecution case, in brief, is that the Informant was informed by his sister that Md. Salman (since deceased) had gone to the residence of Jeba @ Aliya situated at Rahamganj and had not returned home. Subsequently, information was received that the deceased had been shot dead and that his body was lying in the mango orchard of one Bhaglu Rai near Mukti Dham. Upon reaching the place of occurrence, the Informant found that the dead body had already been sent to Darbhanga Medical College and Hospital for postmortem examination. The deceased had sustained a firearm injury on his chest. The Informant specifically suspected that accused persons, namely Manzar Alam, Arman Mallik @ Hasnain Sheikh @ Aman, Aniya @ Niluy and Aliya @ Jeba, had committed the murder on account of the alleged love relationship of the deceased with the daughter of accused Aliya @ Jeba. On the basis of the aforesaid allegations, the present First Information Report came to be instituted.

3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated due to local enmity. It has been argued that the entire prosecution case is based upon mere suspicion and conjecture. No eyewitness to the occurrence has been cited and there is no direct evidence connecting the petitioners with the alleged offence. It is further submitted that the petitioners possess clean antecedents and have remained in custody since 05.05.2026. Learned counsel also contended that the arrest and subsequent investigation suffer from procedural irregularities. On the aforesaid grounds, prayer for grant of bail has been made.
4. Learned Public Prosecutor, on the other hand, strongly opposed the prayer for bail. It has been submitted that the petitioners are specifically named in the First Information Report and that the investigation has revealed substantial materials supporting the prosecution case. It has further been submitted that the postmortem findings corroborate the allegation of homicidal death caused by firearm injury. Learned Public Prosecutor has also drawn attention to the statements of witnesses recorded during investigation and submitted that the investigation is still in progress and release of the petitioners at this stage may adversely affect the course of investigation.
5. I have heard the learned counsel for the parties and carefully perused the materials available on record, including the case diary. From a perusal of the First Information Report and the case diary, it appears that both petitioners have been specifically named in connection with the occurrence. The postmortem examination conducted on the body of the deceased reveals a firearm injury and recovery of a metallic bullet from the body of the deceased, which was preserved for further forensic examination. The medical evidence prima facie supports the prosecution allegation regarding the manner of death. The case diary further reveals that during investigation, materials have been collected regarding the movements of the deceased immediately prior to the occurrence. As reflected in paragraph 55 of the case diary, CCTV footage from

WOW Café, where the deceased had allegedly visited along with a girl shortly before the occurrence, has been collected and forms part of the investigation. The case diary further indicates that on the disclosure made by co-accused Md. Ayan Khan, a firearm alleged to have been used in the commission of the offence was recovered by the Investigating Agency. The statements of witnesses recorded during investigation also lend prima facie support to the prosecution version and disclose circumstances sought to be relied upon by the prosecution to establish the involvement of the accused persons. It is true that paragraph 203 of the case diary reflects that the petitioners do not have any criminal antecedents. However, absence of criminal antecedents by itself cannot be treated as a decisive factor for grant of bail where the accusations pertain to a grave offence involving homicidal death and the materials collected during investigation disclose prima facie involvement of the accused persons.

6. The law relating to grant of bail is well settled. While considering a prayer for bail, the Court is required to take into account, inter alia, the nature and gravity of the accusation, the severity of punishment in the event of conviction, the prima facie materials available on record, the possibility of the accused influencing witnesses or tampering with evidence, and the larger interests of society and administration of criminal justice.
7. In ***State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21***, the Hon'ble Supreme Court has held that while deciding an application for bail, the Court must consider the nature of accusation, severity of punishment, reasonable apprehension of witness tampering, and the prima facie satisfaction of the Court regarding involvement of the accused.
8. Similarly, in ***Mahipal v. Rajesh Kumar, (2020) 2 SCC 118***, the Hon'ble Supreme Court reiterated that in serious offences involving murder, the Court must carefully assess the prima facie materials available on record and the impact of release of the accused on a fair investigation and trial.

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9. In the present case, the allegations relate to a planned homicidal incident resulting in the death of a young person by firearm injury. The investigation is still in progress. The materials collected during investigation, including medical evidence, witness statements, recovery of the alleged weapon and other surrounding circumstances, prima facie indicate involvement of the accused persons and disclose sufficient grounds for continued investigation. At this stage, this Court does not find it appropriate to undertake a meticulous appreciation of evidence, which would be a matter for trial.
10. Considering the seriousness and gravity of the allegations, the nature of the offence alleged, the supporting materials collected during investigation, the stage of the investigation and the overall facts and circumstances of the case, this Court is not inclined to exercise its discretionary jurisdiction in favour of the petitioners.
11. Accordingly, the prayer for regular bail made on behalf of the petitioners, namely **Arman Mallik @ Hasnain Sheikh @ Aman @ Md. Hasnain Alam and Md. Manzar Alam @ Manzar Alam**, is hereby **rejected**.

(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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