

**In the Court of District & Addl. Sessions Judge , Biraul , Darbhanga.**

**Present**

**Sri Shiv Kumar  
District & Addl. Sessions Judge- Biraul**

**Biraul, dated, the 13<sup>th</sup> March, 2026**

**Bail petition No. 43/2026**

**Md. Idrish**

.....**Petitioner.**

**Versus**

**The State of Bihar**

.....**Opposite Party**

**Counsel for the petitioner :- Sri Ram Bilash Yadav, Ld. Advocate**

**Counsel for the State :- Sri Bachcha Rai, Ld. APP**

**ORDER**

**13.03.2026** The present bail petition has been filed on behalf of petitioner namely 1.Md. Idrish @ Badshah Khan, S/o Late Md. Hussain, who is in judicial custody since 20.01.2026 in connection with Kusheshwar Asthan P.S. Case No- 12/2026, for offence u/s 126(2), 115(2), 109(1), 117(2), 74, 303(2), 3(5) of BNS which is pending in the Court of Ld. SDJM, Biraul, Darbhanga.

Heard Sri Ram Bilash Yadav, the Ld. Counsel for the petitioner and Sri Bachcha Rai, Ld. APP on behalf of the State.

The prosecution case in short is that, on 17.01.2026 at 5:30 AM, informant was at his shop, all the accused persons came there and Md. Idrish armed with iron rod hit on the head of informant and made him injured, Ashrat again armed with iron rod hit on his head. That it is further alleged that Md. Shamshad armed with iron rod hit on the informant, Md. Mahboob armed with knife hit on his neck, after that all the accused persons taken away articles and rupees from his shop. That it is further alleged that when mother of informant Shahid Khatun came, accused Md. Rahman and Md. Rizwan assaulted her by fist and slaps.

The Ld. Counsel for the petitioner submits that the petitioner has not committed any offence and they are innocent. The petitioner has falsely been implicated in this false due to land dispute, enmity and out of grudge. For that the above named petitioner who is in judicial custody since 22.01.2026 and sufficiently punished of offence that he has not committed. That no such occurrence did ever take place as alleged in FIR. That petitioner has no criminal antecedent. For that all the alleged offence are bailable save and except 109, 74 and 303(2) of BNS which is not attracting at all. For that sec. 74 and 303(2) BNS are vague and absurd one. For that wife of petitioner namely Munni Khatun lodged an FIR vide K. Asthan PS Case No. 15/26 and to save the skin, this case has been lodged this case has been lodged as a counter blast. For that the petitioner is man of means and not likely to abscond and is ready to furnish the bail bonds to the satisfaction of the court, as such there is no chance of their absconding. So, it is prayed that accused person may be enlarge on bail.

On the other hand Ld. APP appearing for the State opposed the prayer for bail of the petitioner.

Heard, Submissions of both parties and perused the record and considering the discussion made above, The offence is u/s 126(2), 115(2), 109(1), 117(2), 74, 303(2), 3(5) of BNS, in which u/s 109(1), 74, 303(2) of BNS is non bailable. From the perusal of F.I.R. the petitioner is named accused in this case with allegation that Md. Idrish armed with iron rod hit on the head of informant. Direct allegation has been found against this petitioner. The attack has been done on the vital part of the body. From the perusal of CD in para 5, 6, 7, 45 lots of evidences are available against the accused petitioner. The offence alleged against the petitioner is serious in nature and considering the aforesaid facts and circumstances of the case as well as gravity of offence I am not inclined to enlarge the petitioner on bail. The present bail petition of the petitioner namely 1.Md. Idrish @ Badshah Khan, S/o Late Md. Hussain , here by BP is **Rejected**. In connection with Kusheshwar Asthan P.S. Case No- 12/2026 .

**(Dictated and Corrected)**

(Shri Shiv Kumar)

District & Addl. Sessions Judge  
Biraul  
13.03.2026