

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-I, GAYA
ANTICIPATORY BAIL PETITION No. 636/2026

=====

1. Zeeshan Khan

2. Afridi Khan @ Shahid Afridi Khan
Both Sons of Atiqur Rahman (Khan)
Both R/o Village- Sahdeo Khap, P.S.- Magadh University,
District- Gaya

----- Petitioners

VERSUS

The State of Bihar

----- Opposite Party

=====

11.03.2026

An anticipatory bail application has been filed on behalf of above named accused/petitioners, who is apprehending thier arrest, in connection with **Magadh University P.S. Case No. 12/2026**, for the offences registered **U/s. 126(2), 115(2), 109, 3(5) of the BNS, pending in the Court of Ld. C.J.M., Gaya.**

2. Heard both the sides on the bail application.

3. Learned defence counsel, submitted that prior to this, the petitioners have not filed any anticipatory bail petition before this Court or the Hon'ble Patna High Court. It is further submitted that petitioners are innocent, committed no offence and have falsely been implicated in this case. It is further submitted that on 29.01.2026, I.O. of this case has filed a petition along with compact complaint Disc. and a seizure list after the F.I.R. dated 06.01.2026, for the verification of the aforesaid bullet through sergeant Major, Gaya for report. There is no explanation of the delay in sending seizure list or production-cum-seizure list, production-cum-seizure list does not bear the signature of the informant of this case. It is further submitted that both parties have compromised this case outside the Court and certified copy of compromised petition duly signed by both parties is filed. It is a big question mark and there is a great difference in between seizure list and production-cum-seizure list. It is further submitted that the alleged date of occurrence is not mentioned in the written information of the informant. There was no any fire arm injury either to the informant or to any other person as no body was injured at the hands of the miscreants. It is nothing but exaggeration of allegation after allegation without any objective piece of evidence in legal terms as provision of search and seizure has been completely violated at the hands of the police. Lastly, he submitted through amendment petition that petitioner has one criminal antecedent as Dobhi P.S. Case No. 09/2026. Hence, it is prayed for grant the privilege of anticipatory bail to the accused petitioners.

4. Per contra the Ld. A.P.P. appeared on behalf of State has opposed the prayer for anticipatory bail.

5. Prosecution case, in brief, as per informant is that he along with his friend Zeb Khan (co-villager) were returning to his village from Dobhi after eating Rabri and in the meantime at village- Sahdeo Khap more ahead of an old temple and near the transformer at about 10.45 P.M. then accused petitioners along with 8-10 unknown persons came near the vehicle bearing registration No. BR2F0231 and started assaulting by means of lathi and rod and Zeshan Khan opened fired at him (informant) with intention to kill him. After the occurrence, the information about the occurrence was given to the police through telephonic and police came over there and a bullet is said to have been recovered from the said vehicle by the police.

6. Heard both the parties and perused the material available on record. From perusal of the case record, it appears that petitioners are named in the F.I.R. The allegation against the petitioners are of assaulting the informant with lathi and rod and also of firing upon him with intention to kill him. As per F.I.R. and seizure list one bullet was recovered from the glass of the vehicle. Statement of witnesses at para 4 & 8 of the case diary in which they have fully supported the case of the prosecution. A forwarding letter vide letter No. 61/2026, dated 26.02.2026 is attached with the T.C.R. for F.S.L. report of recovered bullet (pillet) from the vehicle has been sent. Vide para 49 of the case diary, after checking the CCTV footage, it has been found that accused petitioners and one other co-accused assaulted Ismail Khan with lathi danda. Today informant present in the Court and admitted the factom of compromise. Vide para 76 of the case diary, one criminal antecedent was found against the petitioner.

7. Thus, considering the facts and circumstances of the case as discussed above nature of offence, the prayer for anticipatory bail to the petitioner is hereby **disposed of with direction to surrender before the Ld. Trial Court within one month and Ld. Trial Court shall pass an order on merit, on same day without prejudice of this order.**

(Dictated)

Sd/-

(Shashi Kant Ojha)
Addl. Sessions Judge-1, Gaya
11.03.2026