

IN THE COURT OF SESSIONS JUDGE, GAYA

B.P. No. 852/2026

Md. Shahzad Vs. The State of Bihar

Sarbahda P.S. Case No. 97/2025

30.05.2026

Present :

For the petitioner --: Sri Vikash Kumar , Ld. Advocate

For the State-----: Sri S.B. Ojha, Ld. P.P.

The present petition for regular bail has been filed on behalf of petitioner Md. Shahzad who is in judicial custody since 29.03.2026 in connection with Sarbahda P.S. Case No. 97/2025 registered for the offence punishable under section 126(2), 115(2), 109, 352, 351(2) and 3(5) of the BNS and 27 of the Arms Act.

The prosecution story as per the *fardbayan* submitted by the informant is that on 08.08.2025 at about 09:00 p.m., when the informant was present in his village. At that time, the accused persons arrived each armed with pistols and threatened that they would kill him. In the course of the altercation, accused Md. Firoz caught hold of the informant and exhorted that he be shot. Acting upon this instigation, accused Md. Vashir, with the intention to cause death, fired from his pistol, which struck the informant on the left side of his waist. On hearing the sound of gunfire, the accused persons fled from the place of occurrence, while the informant fell unconscious due to the injury sustained.

Ld. counsel appearing for the petitioner submits that the petitioner is quite innocent and has committed no offence and that, he has falsely been implicated in this case. He further submits that the informant has not named this petitioner and during the course of

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investigation the police have unjustly dragged him into this case.

Ld. counsel further contends that the petitioner carries some criminal antecedents, however, in Sarbahda P.S. Case No. 58/2026, he has been falsely dragged into this case. He further submits that the petitioner been remanded in the present case on 29.03.2026 and has remained in judicial custody since then.

Ld. counsel further submits that the the deceased Md. Faiyaz, who is the informant in this case was the sole eye witness of this case and he did not make any allegation against the petitioner. Furthermore, none of the other witnesses have mentioned the name of this petitioner rather they have named four other persons and this petitioner is nowhere involved in the alleged offence. He further contends that earlier also the same four accused persons had allegedly attempted to kill the same informant for which Sarbahda P.S. Case No. 74/2026 was also registered against them. He further submits that there is no cogent evidence against the petitioner. He further contends that this petitioner was also present at the hospital and the *fardbayan* of the deceased was recorded in presence of the petitioner, hence, there is no possibility of the petitioner to commit such offence, therefore, the prayer for bail of this petitioner may be considered favourably.

Ld. P.P. has also been heard in opposition to the prayer for bail.

I have considered the submissions and have perused the case record along with the case diary. Upon perusal of the case diary,

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more specifically, Para 29, 30, 31, 32, it appears that none of the witnesses have named the petitioner in connection with the alleged offence. Furthermore, in the *fardbayan*, the deceased has also not named the petitioner, in fact, it is claimed that the petitioner was present at the time of fardbayan of the informant. The petitioner is in judicial custody since 29.03.2026.

Considering the facts and circumstances of the case, the nature of accusation and the period of custody undergone, this Court is of the view that the prayer or bail of the petitioner deserves to be considered favourably.

Accordingly, this bail petition is hereby **allowed**. The petitioner is directed to be released on bail on furnishing bail bond of **Rs. 25,000/-** with two sureties of the like amount each to the satisfaction of the court concerned.

It would be pertinent to mention here that the Ld. counsel, Md. Qaisar Sharfuddin had appeared in his bail matter on behalf of the petitioner on 14.05.2026. During the course of hearing, ld. counsel Sri Qaisar Sharfuddin admitted that he was serving as Spl. P.P. in POCSO Court and accordingly, a report was called for from the Law Department, Government of Bihar as well as from the Ld. P.P., Gaya and the Admin. In-Charge of this judgeship.

The reports of the In-Charge Admin. and the Ld. P.P. have been received and as per their report, Ld. counsel Sri Qaisar Sharfuddin was not authorized for private practice. Although the report from the Law Department is still awaited, it appears from

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perusal of the report submitted by Ld. P.P., Gaya that Ld. counsel Sri Qaisar Sharfuddin has submitted his resignation as Spl. P.P. to the Law Secretary, Government of Bihar.

Since the report from the Law Department is yet to be received, this bail application is being disposed of accordingly, and the awaited report of the Law Department shall be dealt with on the administrative side of the office.

(Dictated and corrected)

Sd/-
(P. K. Malik)
Sessions Judge, Gayaji
30.05.2026

Date of order	30.05.2026
Date of reserving Order	N/A
Uploading Date	04.06.2026
Uploaded by	Steno (Vikash Kumar)