

IN THE COURT OF SESSIONS JUDGE, GAYA

A.B.P. No. 2593/2026

Md. Dastagir Khan Vs. The State of Bihar

Wazirganj P.S. Case No. 184/2026

24.07.2026

Present :

For the petitioner --: Md. Zeya Ashraf, Ld. Adv.

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

The present petition for anticipatory bail has been filed on behalf of the petitioner Md. Dastagir Khan apprehending his arrest in connection with Wazirganj P.S. Case No. 184/2026 registered for the offence punishable under sections 103(1), 61(2) of the BNS and 27 of the Arms Act.

The prosecution story as per the informant in brief is that the informant's uncle received a phone call from Dastagir Khan asking him to meet near the river at Manaini. It is further alleged that at about 06:00 p.m. his uncle went to meet Dastagir Khan but did not return home by 07:00 p.m. On being contacted by the informant, he stated that he was in Manaini with Dastagir Khan. Again, at about 10:00 p.m. the deceased informed the informant that he would return home in the morning around 05:00 a.m. On the following morning when the informant tried to contact his uncle, the phone rang but was not answered. Soon thereafter, villagers informed him that near Manaini to Patri Road, his uncle had been shot dead. It is further alleged that on reaching the spot, the informant found his uncle lying dead in the motorcycle with gunshot injuries to the head. It is further alleged that the accused person with others have murdered the informant's uncle due to long standing land dispute, and there had been previous attempts on the life of the deceased.

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Ld. counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to land dispute and enmity. He further submits that the sole allegation against the petitioner is that the deceased allegedly informed the informant over phone that he was with the accused petitioner and except this alleged telephonic call, there is no material connecting the petitioner with the alleged offence. He further contends that the petitioner carries four criminal antecedents namely Wazirganj P.S. Case No. 61/2019, Wazirganj P.S. Case No. 263/2019, Wazirganj P.S. Case No. 941/2024 and Complaint Case No. 1235/2021.

Ld. P.P. vehemently opposed the prayer for bail submitting that the petitioner is specifically named in the FIR regarding the brutal murder of the informant's uncle. He further contends that the occurrence is grave, involving fatal gunshot injuries to the head, committed due to land dispute with prior attempts on the deceased's life. He further contends that as per the FIR itself, the deceased was last with the accused petitioner, having gone to meet him upon his call and thereafter remained in his company. He further contends that as per Para 5, 7, 13, 14, 18 the witnesses have also supported the prosecution story. He further contends that the petitioner carries four criminal antecedents namely Wazirganj P.S. Case No. 61/2019, Wazirganj P.S. Case No. 263/2019, Wazirganj P.S. Case No. 941/2024 and Complaint Case No. 1235/2021 which clearly demonstrate his habitual criminal conduct and propensity to commit offences, hence the prayer for anticipatory bail of the petitioner should not be entertained.

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Having considered the submissions and perused the case diary, it appears that the accusation against the petitioner is of serious nature. There is direct allegation against the petitioner and he has been specifically named in the FIR with specific allegation that the deceased was last in the company of the accused petitioner prior to his death. Further, as per Para 5, 7, 13, 14, 18 of the case diary, the witness corroborated the allegations. Furthermore, the petitioner is claimed to have four criminal antecedents.

In view of the gravity of the offence, the role attributed to the petitioner, this Court is not inclined to entertain the prayer for anticipatory bail of this petitioner.

Accordingly, this anticipatory bail application stands **rejected**.

(Dictated and corrected)

Sd/-
(P. K. Malik)
Sessions Judge, Gayaji
24.07.2026