

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II
DISTRICT-KATIHAR
(A.B.P. No. 641/2026)

In the matter of

1. Md. Nahid @ Nahid S/o Noushad Alam, 2. Atiful S/o Taiyab and 3. Md. Sajjak @ Md. Sajjad.....Accused/petitioners.

Vs

State of Bihar.....Opposite Party.

Barsoi P.S. Case No. 124/2017

U/S- 356, 379 of the I.P.C.

Ld, advocate for petitioner- Shri Akhilesh Kumar Jha

Ld, A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

09-06-2026- This anticipatory bail petition has been filed on the behalf of accused-petitioners namely **1. Md. Nahid @ Nahid, 2. Atiful S/o Taiyab and 3. Md. Sajjak @ Md. Sajjad** who are apprehending their arrest in connection with aforesaid case.

Heard the ld. counsel Shri Akhilesh Kumar Jha appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Ajaz Alam appearing on the behalf of the state.

The learned counsel for the petitioner has pressed the petition dated 13.05.2026 before this court and has submitted inter alia that the petitioner namely Atiful wants to withdraw his bail petition. While other side ld. A.P.P. appearing on behalf of the state has not raised any objection on the said petition. Hence, in the light of submission made by Ld. Counsel for the accused-petitioner namely Atiful, the instant anticipatory bail petition so far as related with accused-petitioner namely Atiful is hereby dismissed as withdrawn.

According to FIR prosecution case in nutshell is that informant to this case namely Nazmul Haque gave a fard-e-beyan before SHO Barsoi alleging therein that on dated 15.05.2017 at about 09:00 O'clock in morning he went to Barsoi Maulanapur from his house to realize the some amount from Dinesh ji. Informant has further alleged that he took Rs. 1,26,000/- from Dinesh ji and at about 11:30 O'clock he proceeded by motorcycle for his house and as soon as he reached near the office of forest department situated at Abadpur road at that time two persons riding on one motorcycle try to intercept his motorcycle but anyhow he avoided their attempt but as the same time two other persons riding on one motorcycle caught his motorcycle and due to which his motorcycle fell down and miscreants picked up the bag containing said amount and they also took out his mobile from his pocket and fled away by motorcycle. Informant has further alleged that he may identify the miscreants.

It would be pertinent to mention here that on the basis of Fard-e-beyan of informant case was registered against four unknown miscreants and during the investigation one accused Nazre Alam @ Nazrul was arrested by the police and made his confessional statement before police and in his confessional statement stated about the involvement of accused-petitioners namely Md. Nahid @ Nahid and Md. Sajjak @ Md. Sajjad in this alleged occurrence.

On the other side learned counsel for the petitioners has reiterated all the grounds taken in the bail petition and has submitted that the petitioners are quite innocent and they have committed no offence at all. He has further submitted that they have falsely been implicated by the local police and they are not named accused of the F.I.R. He has further submitted that on 08.04.2021 the petitioner no. 03 was forwarded by Barsoi police station

from Awadpur police station case no. 94/2020 GR no. 3523/2020 to GR no. 5030/2019 Barsoi P.S. case no. 269/2017 in which petitioner no. 03 was in judicial custody from 08.04.2021 to 03.09.2024. Despite the Barsoi police being aware of the case filed, petitioner no. 03 was deliberately not forwarded or presented in the said case. He has further submitted that motivated by the local politics, the Barsoi police has wrongly implicated the petitioner in a false case. Only one another criminal case vide Abadpur P.S. case no. 97/2017 is pending against the petitioner no. 01 while only other six criminal cases have been instituted against the petitioner namely Md. Sajjak @ Md. Sajjad out of them in two criminal cases he has already been acquitted by the Id. Court. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per contra, learned A.P.P. has vehemently opposed the prayer for anticipatory bail and has submitted that from perusal of the case record it is evident that present petitioners have played very active role in this alleged occurrence and informant has clearly stated in his fard-e-beyan that he may identify to the accused persons after seeing them. So in such circumstances T.I. parade of present petitioners appears to be must. So, petitioners don't deserve for anticipatory bail.

Heard the both parties at length and perused the entire case record alongwith case dairy. From perusal of the case record it is evident that name of present petitioners have been surfaced in this case on the basis of confessional statement made by co-accused namely Nazre Alam @ Nazrul and witness mentioned in para no. 89 and 90 of the case diary have also clearly stated that aforesaid accused persons had been seen near the place of occurrence at the time and date of alleged occurrence. Moreover, accused-petitioners are absconding from more than seven years.

So, having considered the above facts as well as submissions made by Ld. A.P.P., I am not inclined to grant the privilege of anticipatory bail to the aforesaid accused-petitioners. Hence, this anticipatory bail petition filed on behalf of the accused-petitioners namely **1. Md. Nahid @ Nahid and 2. Md. Sajjak @ Md. Sajjad** is hereby rejected.

**Addl. Sessions. Judge-II
Katihar**

Date of Order	09.06.2026
Date of Reserving Order	N/A
Uploading Date	
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar