

KANHAIYA JEE CHOUDHARY
Sessions Judge, Purnea.
ABP No.373 of 2026/CIS No.373 of 2026
Md.Kaishar and another Versus State
(arising out of Jalalgarh P.S. Case No.222 of 2025)
Date of Order :10.3.2026

COURT OF THE SESSIONS JUDGE, PURNEA

Anticipatory Bail Petition No.373 of 2026

1. Md. Kaishar, aged about 26 years S/o Md.Khurshid Alam and
 2. Phool Mohammad, aged about 38 years S/o Md.Khurshid Alam.
- Both R/o village Harischandrapur, P.S. Jalalgarh, District Purnea.

Versus

State of Bihar

Opp. Party

Date of order or proceeding	Order with signature of the court	Office action taken with date
10.3.2026	<p>1. Anticipatory Bail petition filed on behalf of the petitioners, namely, 1. Md. Kaishar and 2. Phool Mohammad, who are apprehending their arrest in connection with Jalalgarh P.S. Case No.222 of 2025 registered for the offence under sections 80 and 3(5) of the BNS is put-up for hearing.</p> <p>2. Heard Sri P.S. Parag, the learned counsel appearing on behalf of petitioners and Sri A.K. Tiwary, the learned P.P. for the state.</p> <p>3. As per written report of the Informant, the prosecution case, in brief, is that he got married his daughter Resham Praveen to Md. Sarfraz alias Golu, S/o Md. Khurshid Alam six years ago of the alleged incident. It is alleged that his daughter was subjected to dowry-related harassment and physical abuse by her husband and other in-laws. When informant's daughter called the informant and told him that her in-laws had made her life miserable and were demanding five lakh rupees from her, threatening to kill her if she didn't comply. Out of fear, informant gave them one lakh rupees in cash and fifty thousand rupees on another occasion. For the remaining amount of Rs. 3,50,000/-, accused persons started torturing informant's daughter. On 02.11.2025, informant's daughter informed her mother that her in-laws supposed to kill her. Then the informant and his family members decided to inform the matter to the police.</p>	

Contd. 10.3.2026	<p>Then, on 03.11.2025, at 7:30 A.M., Md. Sarfaraz alias Golu, Khurshid Alam, Aysha Khatoon, Khushbu Khatoon, Phool Mohammad, Md. Kaishar (petitioners) and Irshad Alam alias Amin together locked informant's daughter in the house and killed her.</p> <p>4. The learned counsel for the petitioners has submitted that the petitioners have got no occasion at all to demand the dowry from the informant. Petitioners are full brother of husband of the deceased and they are living separately from the husband of the deceased. There is no specific overt-act against these petitioners and they are quite innocent. He has further submitted that due to some hot altercation and misunderstanding happened between co-accused Md. Sarfaraz alias Golu and his wife (deceased) and due to anger, informant's daughter (deceased) committed suicide by hanging herself. Her dead body was pulled out after breaking through the roof of the alvester, and the entire process was video graphed. No offence u/s. 80 and 3(5) of BNS are made out against the petitioners. He also submitted that I.O.after completing investigation submitted chargesheet against co-accused persons,namely,Sarfaraj @ Golu, 2.Khurshid Alam and 3.Aaysha Khatoon for the offence under sections 80/3(5) of the BNS showing these petitioners as not sent up trial but the learned court below without any legal evidence in whole of the case diary, took cognizance against these petitioners. Moreover, co-accused persons,namely, 1.Khurshid Alam and 2.Aysha Khatoon have already been granted bail vide order dated 10.2.2026 passed in Cr.Misc. No.5037 of 2026. Petitioners are men of clean antecedent and there is no chance of their absconding. So, prayed for bail.</p> <p>5. On the contrary learned P.P. opposed the</p>	
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Contd. 10.3.2026	<p>anticipatory bail petition of petitioners and submitted that petitioners Devar of the deceased and these petitioners are also responsible for the alleged occurrence. So, it is not a fit case to grant anticipatory bail to the petitioners and prays to reject the prayer of anticipatory bail of the petitioners.</p> <p>6. I have heard rival submissions of both the parties and perused the case record and case diary. It appears that it is a case of dowry death and these petitioners being Devar of the deceased are named in the FIR with allegation that all the FIR named accused persons in furtherance of their common intention of all committed murder of the deceased for non-fulfillment of dowry demand by strangulation. From perusal of post mortem report of the deceased, it appears that deceased died unnatural and these petitioners are Devar of the deceased. From perusal of paras 24,26,27,34 and 35 of the case diary, it appears that there is no specific allegation against these petitioners and it has come during the investigation that these petitioners are living separate from the husband of the Informant. It also appears that I.O. after completing investigation, submitted chargesheet against co-accused persons for the offence under section 80 and 3(5) of the BNS showing these petitioners as not sent up for trial but the learned court below disagreed from the view of the I.O. took cognizance also against these petitioners. It also appears that co-accused persons, namely, Khurshid Alam and Ayasha Khatoon, who are parents of husband of the deceased have already been granted bail by the Hon'ble Patna High Court vide order dated 10.2.2026 passed in Cr.Misc. No.5037 of 2026 and the case of these petitioners more or less stand better footing to that of co-accused persons. It also appears that petitioners are men of clean antecedent and permanent resident of Purnea and there is no</p>	
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Contd. 10.3.2026	<p>chance of their absconding.</p> <p>7. Considering the fact and circumstances discussed above, petitioners are full brother of the husband of the deceased and there is no specific overt-act against these petitioners and during investigation, it has come in the case diary, these petitioners are living separately from the husband of the deceased and parents of the husband of the deceased have already been allowed bail by the Hon'ble Court and case of these petitioners more or less on similar footing of that of accused and petitioner is a man of clean antecedent, so, anticipatory bail petition of petitioner, namely, 1. Md.Kaishar and 2. Phool Mohammad is allowed and it is ordered that in the event of their arrest/surrender, they will be enlarged on anticipatory bail on furnishing bail-bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below within fortnight from the receipt of this order subject to the conditions as laid down u/s 482 BNSS.</p> <p style="text-align: center;">(Dictated & corrected by me)</p> <p style="text-align: center;">Sd/-</p> <p style="text-align: center;">Sessions Judge, Purnea.</p>									
	<table border="1" style="width: 100%;"> <tr> <td>Date of Order</td> <td>10.3.2026</td> </tr> <tr> <td>Date of Reserving Judgment/ order</td> <td>10.3.2026</td> </tr> <tr> <td>Uploading Date</td> <td>12.3.2026</td> </tr> <tr> <td>Uploaded by</td> <td>Kumar Sanjay, Steno</td> </tr> </table>	Date of Order	10.3.2026	Date of Reserving Judgment/ order	10.3.2026	Uploading Date	12.3.2026	Uploaded by	Kumar Sanjay, Steno	
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