

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 15th April, 2026

Present:- Dinesh Sharma, Principal District & Session Judge, Saharsa

B.A. No. 157/2026 (Arising out of Banma Itahari P.S. Case No. 29/2025)

Minhaj @ Minhaj Khan

..... Petitioner Vs State of Bihar

In the matter of :-

Minhaj @ Minhaj Khan S/o Late Abdul Hasan

Resident of Village Sahuriya, Ward No. 11, P.S. Banma Itahari, District
Saharsa.

....Petitioner

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner :- Sri Shishunag Gupta, Adv

For the State :- Sri Krishna Murari Prasad, Ld. P.P.

Sl. No.	Date of proceeding	Order with the signature of the court	Office action taken with date
	15.04.2026	This bail petition has been filed on behalf of the petitioner namely Minhaj @ Minhaj Khan S/o Late Abdul Hasan who is in custody since 08.02.2026 in connection with Banma Itahari P.S. Case No. 29/2025 registered under Sections 126(2), 115(2), 109, 352, 351(2), 3(5) of BNS, 2023. 2. Heard the arguments of the learned counsel for the petitioner and the learned P.P. for the State. 3. It is submitted by the learned counsel for the accused petitioner that petitioner is in custody since 08.02.2026. It is further submitted that petitioner bears no criminal antecedent. It is further submitted that petitioner is quite innocent and has committed no offence and he has falsely been implicated in this case due to dirty village party politics. It is further submitted that Sections 109 of BNS, 2023 is added to make the case graver and non-bailable. It is further submitted that there is case and counter case between the parties and both parties are neighbour and relatives. It is further submitted that there exists land dispute between the parties. It is further submitted that petitioner is a man of means and there is no chance of his absconding or tampering with the evidence and he is ready to furnish sound sureties to the full satisfaction of the court. Upon	

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these grounds, the learned counsel prays to grant bail to the petitioner.

4. On the other hand, the learned P.P. has vehemently opposed the prayer of bail.

5. Rival submissions considered, Record perused.

6. The prosecution case as emerges from the written report of Md. Nazim lodged with Banma Itahari P.S. in short is that due to old enmity with pre planned conspiracy on 03.04.2025 at about 05:00 – 05:30 P.M. in the evening the accused Minhaz, Farjana Khatoon and Salma Khatoon armed with knife, lathi and bricks suddenly came and entered into his house and speaking filthy abuses they with intention to commit murder of Tapsin aged about 14 years who happens to Nati of informant accused Minhaz assaulted by means of knife as a result of which follow the nose of Tapsin on lip serious injury was caused and bleeding was started, Farjana inflicted injury on his forehead by means of brick. Tapsin crying fell on the ground and hearing his crying Gulshan and Tapsina the daughters of informant arrived there then the accused speaking filthy abuses also brutally assaulted them. Hearing hulla two villager Md. Umar Alam and Ibrar and others came and intervened the occurrence and in course of intervening the accused also committed marpit with them. Anyhow the villagers removed the accused and with the help of villagers the injured Tapsin was brought to Sonbarsa PHC, from where after primary aid he was referred to Sadar Hospital, Saharsa where his treatment is going on. After happening of aforesaid occurrence the co-villagers Md. Faruk and Md. Wakil armed with countrymade pistol came at the gate of the house of informant to cooperate the accused and gave serious threatening and handing over countrymade pistol in the hand of Minhaz asked

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to kill the persons present in the house of informant. The villager of vicinity present there removed them.

7. The petitioner is in custody since 08.02.2026. The injury suffered by the injured is simple in nature. The petitioner is having clean past antecedent as mentioned in para 24 of the case diary. The charge-sheet in this case has already been filed.

8. Considering the totality of the facts and circumstances, a case to grant bail to the petitioner accused namely Minhaj @ Minhaj Khan is made out. Resultantly the prayer for bail is **allowed**. The petitioner be released on bail subject to his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties in the like amount to the satisfaction of the learned Magistrate where the case is presently pending further subject to the conditions as laid down under Section 480(3) of the BNSS.

(Dictated)



(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

15.04.2026

Date of Judgement/Order	15.04.2026
Date of Reserving Judgement/Order	15.04.2026
Uploading Date	23-04-26
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