

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 23rd April, 2026

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

A.B.P. No. 297/2026 (Arising out of Saharsa P.S. Case No. 1002/2025)

Md. Kadir & 2 Others

..... Petitioners Vs State of Bihar

In the matter of :-

1. Md. Kadir S/o Md. Moharam
2. Md. Azim S/o Md. Rahim
3. Md. Allauddin S/o Md. Taslim

All Resident of Village Bhelwa, Ward No. 3, P.S. and District Saharsa.

....Petitioners

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner :- Sri Anup Kumar Singh, Advocate

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
	23.04.2026	This anticipatory bail petition has been filed on behalf of the petitioners namely (1) Md. Kadir S/o Md. Moharam, (2) Md. Azim S/o Md. Rahim, (3) Md. Allauddin S/o Md. Taslim who are apprehending their arrest in connection with Saharsa Sadar P.S. Case No. 1002/2025 registered under Sections 191(2), 190, 115(2), 126(2), 117(2), 118(1), 125, 324(4), 352, 351(2) of BNS, 2023. 2. Heard the arguments of the learned counsel for the petitioners and the learned P.P. for the State. 3. It is submitted by the learned counsel for the accused petitioners that petitioners are innocent and has falsely been implicated in this case. It is further submitted that the petitioners bears criminal antecedent of one case in which they are on bail. It is further submitted that there is case and counter case between the parties. It is further submitted that Section 118(1), 303(2) of BNS, 2023 are added to make the case graver and non-bailable. It is further submitted that co-accused persons have been granted bail by this court in A.B.A. No. 125/2065 vide order dated 21.02.2026 and the case of petitioners stands on same footing. It is further submitted that petitioners are woman and men of means and there is no chance of their absconding or	

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<u>Cont/2-</u> <u>23.04.2026</u>	tampering with the evidence in this case and they are ready to furnish sound sureties to the full satisfaction of the learned court. Upon these grounds, the learned counsel prays to grant anticipatory bail to the petitioner. 4. On the other hand, the learned P.P. for the State opposed the prayer of anticipatory bail. 5. Rival submissions considered, Record perused. 6. The prosecution case in nut-shell as per typed report of informant Noor Mohammad is that on 31.08.2025 at about 20:30 O'clock he recorded his statement before the police officer is that on 31.08.2025 at about 10:00 O'clock in the morning he was measuring his land with Amin then Md. Rahim, Md. Irshad, Md. Mustak, Md. Azim, Md. Shamshul, Md. Sahabuddin, Md. Kadir, Md. Yunus, Ratni Khatoon, Rabina Kahtoon, Sera Khatoon, Taruni Khatoon, Jumni Khatun, Momina Khatoon, Masrat Khatoon and Md. Iko Mohram armed with farsa, rod, lathi and brick stones came there and assaulted him and Md. Irshad assaulted him by farsa due to which his right leg was broken and also sustained injury on his head and Md. Israil was assaulted by Kadir, Azim due to which his head got lacerated and Mariyam Khatoon was assaulted by Irshad and Azim by lathi and rod in their hands due to which her head also got lacerated and Taruni Khatoon alongwith Md. Mustak assaulted by Chunni Khatoon due to which her head and hand got injured. Mohram and Allauddin assaulted Jainul with Farsa on his head due to which his head got lacerated. All the accused persons assaulted him and threatened to kill him and entered into his house and demolish the household articles and also beaten his animals thereafter all the accused persons fled away from there. The injured persons were brought to Sadar Hospital, Saharsa for treatment. 7. Two of the accused persons with almost	
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similar role have already been granted anticipatory bail by the Predecessor in A.B.A. No. 125/2026 vide order dated 21.02.2026 and the case of petitioner stands on same footing. The said order has not been challenged by the Ld. P.P. for the State. There should be consistency in the judicial orders as far as possible.

8. Considering the totality of the facts and circumstances, the prayer for anticipatory bail of petitioners (1) **Md. Kadir** (2) **Md. Azim** and (3) **Md. Allauddin** is **allowed** and in the event of arrest or surrender of the petitioners within a period of four weeks from today, they are directed to be released on bail subject to their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties in the like amount each to the satisfaction of the learned jurisdictional Magistrate where the case is presently pending, further subject to the conditions as laid down u/s 482(2) of BNSS.

(Dictated)


(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

23.04.2026

Date of Judgement/Order	23.04.2026
Date of Reserving Judgement/Order	23.04.2026
Uploading Date	25-04-26
Uploaded by	Qaved Haeelov