

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA
Dated, Saharsa, the 02nd May, 2026

Present:- Dinesh Sharma, Principal District & Session Judge, Saharsa
B.A. No. 215/2026 (Arising out of Sonbarsa Raj P.S. Case No. 226/2025)
Md. Parvej Alam **Petitioner Vs**

State of Bihar

In the matter of :-

Md. Parvej Alam S/o Md. Kasim

Resident of Village Kumbhraili, P.S. Beldour Near Masjid, District Khagaria.

.....**Petitioner**

Vs

State of Bihar

.....**Opposite Party**

Appearance :-

For the Petitioner :- Sri Raj Kumar, Advocate

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

Date of proceeding	Order with the signature of the court	Office action taken with date
02.05.2026	This bail petition has been filed on behalf of the petitioner namely Md. Parvej Alam son of Md. Kasim who is in custody since 23.12.2025 in connection with Sonbarsa Raj P.S. Case No. 226/2025 registered under Sections 309(6), 109 of BNS and Section 27 of the Arms Act. 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 23.12.2025. It is further submitted that petitioner is quit innocent has falsely been implicated in this case due to grudge, malice and dirty village party politics. It is further submitted that petitioner bears criminal antecedent of two cases in which he is on bail. It is further submitted that petitioner is not named in FIR and the alleged sections are not applicable against the petitioner. It is further submitted that petitioner has not been arrested on the spot. It is further submitted that no TIP has been got conducted by the police. It is further submitted that Sections 309(6), 109 of BNS and Section 27 of the Arms Act are added to make the case graver and non-bailable. It is further submitted that co-accused has been granted bail by this court in R.B.A. No. 43/2026 vide order dated 26.03.2026 and the case of petitioner stands on same	

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footing. It is further submitted that petitioner is a man of means and there is no chance of his absconding or tampering with the evidence in this case and he is ready to furnish sound sureties to the full satisfaction of the court. Upon these grounds, the learned counsel prays to grant bail to the petitioners.

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

5. Rival submissions considered, Record perused.

6. The prosecution case, in brief, is that as per the typed report of informant Upendra Prasad Sah is that on 23.11.2025 at about 07:30 P.M. in the evening his elder son Gautam Kumar counting cash at his shop situated at Dehad More then four unknown miscreants on two motor-cycle came there and parked their vehicle in front of his shop in which two of the miscreants armed with weapons poured chilli powder upon him due to which his son started crying. In the meantime two of the miscreants armed with weapons started firing which hits the ribs of his son and he sustained injury. The accused persons snatched the cash bag in presence of his staffs and fled away towards Manori road by brandishing weapon. With the help of nearby peoples his son was brought to Sonbarsa Hospital where he was referred to Sadar Hospital, Saharsa for better treatment.

7. The petitioner is in custody since 23.12.2025. The name of the petitioner is not mentioned in the FIR. The name of the petitioner came first time in the confessional statement of petitioner. There is no recovery pursuant to the confessional statement of co-accused. The confessional statement of the co-accused is simply hit by Section 25 of the Indian Evidence Act/Section 23(1) of BSA, 2023. Section 27 of the Indian Evidence Act/ proviso of Section 23 is not applicable in the instant case. No TIP was conducted in this case. Though the petitioner is having criminal antecedent of two cases however, merely on the basis of criminal antecedent in the peculiar facts and circumstances the petitioner cannot be denied



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the bail.

8. The Hon'ble Supreme Court in the case of **Prabhakar Tewari Vs the State of Uttar Pradesh and Another (2020)11 SCC 648** has held that "7..... the offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These facts by themselves can not be the basis for refusal of prayer for bail." As per the dicta of this judgment bail can not be denied merely on the basis of criminal history alone.

9. Considering the totality of the facts and circumstances a case to grant bail to the petitioner is made out. Resultantly the prayer for bail is **allowed**. The petitioner **Md. Parvej Alam** 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

02.05.2026

Date of Judgement/Order	02.05.2026
Date of Reserving Judgement/Order	02.05.2026
Uploading Date	06-05-26
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