

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 5th June 2026

Present: - Dinesh Sharma, Principal District & Session Judge, Saharsa
B.A. No. 328/2026 (Arising out of Saharsa Sadar P.S. Case No. 481/2025)

Md. Intekhabul @ Md. Intekabul @ Pitthu Vs State of Bihar

In the matter of:-

Md. Intekhabul @ Md. Intekabul @ Pitthu S/o Md. Jamal Uddin @ Md. Jamal, resident of Hakpara, Ward No. 14/5, P.S. and District Saharsa.

....Petitioner

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner :- Sri Abinash Kumar, Advocate

For the State :- Sri Krishna Murari Prasad, Ld. P.P. assisted by
Sri Sudesh Kumar Singh, Ld. Counsel for informant

Sl. No.	Date of proceeding	Order with the signature of the court	Office action taken with date
	05.06.2026	This bail petition has been filed on behalf of the petitioner namely Md. Intekhabul @ Md. Intekabul @ Pitthu S/o Md. Jamal Uddin @ Md. Jamal who is in custody since 07.04.2026 in connection with Saharsa Sadar P.S. Case No. 481/2025 registered under Sections 109, 61(2), 118(2), 3(5), 103(1) of BNS, 2023 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 assisted by learned counsel for the informant. 3. It is submitted by the learned counsel for the accused petitioner that petitioner is in custody since 07.04.2026. 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 petitioner bears no criminal antecedent. It is further submitted that there is case and counter case between the parties. It is further submitted that there is no eye witness in this case. It is further submitted that petitioner is doing job in Delhi since five years and he has no concern with the alleged incident. It is further submitted that	

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<u>Cont/2-</u> 05.06.2026	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 petitioner. 4. On the other hand, the learned P.P. assisted by learned counsel for the informant have opposed the prayer of bail. 5. Rival submissions considered, Record perused. 6. The prosecution case, as emerging from the Fard-Beyan of the informant, Naziya Praveen, recorded by S.I. Md. Shoaib Akhtar of Sadar Police Station on 22.04.2025 at 10:00 P.M. at Surya Hospital, Gandhi Path, Saharsa, is that on 22.04.2025 at about 6:30 P.M., her husband, Md. Fakruddin (aged about 45 years), was returning home on his motorcycle from Saharsa Kachahari after completing his work. When he reached near Shivpuri Trimurti Chowk, two unknown persons riding on a motorcycle allegedly opened fire, causing a gunshot injury to his stomach, and fled from the scene. Fakruddin fell to the ground in a pool of blood. A local person informed the informant about the incident through her husband's mobile phone and admitted the injured Fakruddin to Surya Hospital. Upon receiving the information, the informant reached the hospital, where her husband was undergoing treatment. The informant suspects that, due to an ongoing land dispute, Md. Mazmuddin @ Nadeem, Md. Firoz, Md. Shamsher, Md. Shamsuddin @ Bablu, and Vinay Kasodhan, in furtherance of a criminal conspiracy and with the intention to commit murder, engaged unknown assailants to shoot her husband. She further alleged that the said persons had previously assaulted her husband.	
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<u>Cont/3-</u> <u>05.06.2026</u>	7. The petitioner was admitted on anticipatory bail by the Hon'ble High Court vide order dated 08.09.2025 passed in Criminal Miscellaneous No. 56937/2025. The informant of this case challenged the aforesaid order in anticipatory bail before the Hon'ble Supreme Court and the Hon'ble Supreme Court cancelled the anticipatory bail vide order dated 11.03.2025 passed in SLP (Cri.) No. 18821-18826/2025 decided on 11.03.2026 pursuant to the cancellation of anticipatory bail the petitioner surrendered before the learned jurisdictional Magistrate within the time granted by the Hon'ble Supreme Court. 8. The petitioner is not named in the FIR. Notably PW-Md. Ibrahim, the brother of the deceased and PW-Md. Mukhtar, the cousin of the deceased, has not disclosed and have not named the petitioner as one of the assailants. The petitioner is not seen in any of the CCTV footages. The informant is not the eyewitness of this case. Till that date the investigating officer did not ask the informant as to who had informed her about the incident. 9. Notably the statement of the deceased was recorded by the Investigating Officer, as mentioned in para 95 of the case diary, where the deceased had specifically told that he could not identify as to who had fired upon him. In reply to a question, the deceased has stated that he has no personal enmity with anyone. 10. The name of the petitioner has come in the confessional statement of CCL. The confessional statement of CCL is mentioned in para 121 of the case diary. The name of the CCL is not mentioned here to protect his identity. In the confessional statement the CCL stated that the deal to shot dead the deceased was finalized through the petitioner. As on date this is the only	
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noted that the bail cannot be denied to the petitioner in the hope that police would collect the evidence/material against the petitioner in the course of investigation.

14. Once this Court arrives at the conclusion that no prima facie case is made out against the accused, the necessity of undertaking an elaborate examination of the remaining considerations governing bail substantially recedes in view of the dictum of the Supreme Court in Bhagirathsinh Judeja (supra).

15. Even otherwise, the jurisprudence governing grant of bail consistently emphasizes the primacy of personal liberty. In **State of Rajasthan v. Balchand, (1977) 4 SCC 308**, the Hon'ble Supreme Court enunciated the celebrated principle that "bail, not jail" is the governing rule. In **Gudikanti Narasimhulu v. Public Prosecutor, (1978) 1 SCC 240**, it was observed by the Hon'ble Supreme Court that personal liberty, deprived when bail is refused, is too precious a value of our constitutional system recognised under article 21 that the curial power to negate it is a great trust exercisable, not casually but judicially, with lively concern for the cost to the individual and the community.

16. In **State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21**, the Hon'ble Supreme Court identified the existence of a prima facie case or the reasonable grounds to believe that the accused had committed the offence as the foremost consideration while adjudicating a bail application. The Court observed that the question whether there are reasonable grounds for believing that the accused has committed the offence is the first factor requiring examination.

17. Likewise, in **Sanjay Chandra v. CBI, (2012) 1 SCC 40**, the Hon'ble Supreme Court reiterated that the object of bail is to secure the



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<u>Cont/6-</u> <u>05.06.2026</u>	attendance of the accused during trial and that pre-trial detention cannot be employed as a measure of punishment. The Court emphasized that the seriousness of the allegation alone cannot justify denial of liberty. 18. More recently, in Satender Kumar Antil v. CBI, (2022) 10 SCC 51, the Hon'ble Supreme Court reaffirmed that grant of bail is the rule and refusal is an exception, and that courts must remain mindful of the constitutional mandate under Article 21 of the Constitution of India. 19. In the facts of the present case, this Court is unable to find sufficient material disclosing a prima facie case against the accused/petitioner. Continued detention of the accused/petitioner would therefore be inconsistent with the settled principles governing grant of bail and the constitutional guarantee of personal liberty. 20. Accordingly, the application is allowed. The accused/petitioner be released on regular bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount to the satisfaction of the learned jurisdictional Magistrate, subject to the following conditions: (i) The accused shall appear before the Ld. Trial Court on each and every date fixed and shall not seek unnecessary adjournments. (ii) The accused shall not directly or indirectly induce, threaten, promise or influence any witness acquainted with the facts of the case. (iii) The accused shall not tamper with the prosecution evidence in any manner. (iv) The accused shall not leave the territorial jurisdiction of the Trial Court without prior permission of the Court. (v) Any violation of the aforesaid conditions shall entail cancellation of bail in accordance with law. 21. The observations made herein above are meant to decide this application only and shall not	
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be binding on the Ld. Jurisdictional Magistrate or any other Ld. Court in the subsequent stage of the case. The bail application stands disposed of in the above terms.

(Dictated)

Dinesh Sharma

(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

05.06.2026

Date of Judgement/Order	05.06.2026
Date of Reserving Judgement/Order	04.06.2026
Uploading Date	06-06-26
Uploaded by	Dawed Haider