

In the court of Ist Addl. Sessions Judge, Sheikhpura.
Presiding Officer: Sri Neeraj Kishore
Anticipatory Bail Petition No. 438/2026

Syed Ahmar Raja @ Sayed Sadaf Raja@ Rustam and Others Vs. State of Bihar

In the court of Ist Addl. Sessions Judge, Sheikhpura.
Presiding Officer: Sri Neeraj Kishore
Anticipatory Bail Petition No. 438/2026

Syed Ahmar Raja @ Sayed Sadaf Raja@ Rustam and Others Vs. State of Bihar

Arising out of Ariyari P.S Case No. 104/2026

U/s – 191(2), 190, 126(2), 115(2), 109, 303(2), 352, 351(2) of BNS.

- 1. Syed Ahmar Raja @ Sayed Sadaf Raja@ Rustam**
S/o Late Md. Mokhtar Hasan
- 2. Shah Kajim Raja**
S/o Late Shah Najir Raja
- 3. Ijtaba Haider @ Hani**
S/o Shah Kasim Raja
All R/o Vill. – Husainabad
P.S – Ariyari
Dist.- Sheikhpura

..... Petitioners

Vs.

State of Bihar

..... O.P

Counsel for the petitioners ----- Md. Shamsher Alam, Ld. Advocate
Counsel for the State -----Sri. Shambhu Sharan Prasad, Ld. Addl. P.P

ORDER

31.07.2026 Anticipatory Bail petition dated 23.07.2026, filed on behalf of the accused/petitioners 1. Syed Ahmar Raja @ Sayed Sadaf Raja@ Rustam, 2. Shah Kajim Raja and 3. Ijtaba Haider @ Hani who apprehend their arrest in connection with Ariyari P.S Case No. 104/2026, under Sections- 191(2), 190, 126(2), 115(2), 109, 303(2), 352, 351(2) of BNS pressed today.

Pressing the bail petition, learned counsel for the petitioners has submitted that no bail petition either regular or anticipatory has been filed on behalf of the petitioners either before this Sessions Division or before the Hon'ble High Court and the petitioners have no criminal antecedent. It has been further submitted that the petitioners are quite innocent and have committed no offence and have been falsely implicated in this case. It has been submitted that there

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is no specific allegation against the petitioners. It has further been submitted that there is also a counter case between the parties vide Ariyari P.S. Case No. 103/2026. It has been submitted that the informant is a habitual offender and there is no evidence on the record to connect the petitioners with the alleged offence. Learned counsel has sought to enlarge the petitioners on the privilege of anticipatory bail.

On the other hand, learned Addl. P.P. has opposed the petition for bail.

Case diary has been called from ABP No. 390/2026.

I have heard the submissions and gone through the materials available on the record, it transpires that no other bail petition of any nature is pending on behalf of the petitioners, either before this Sessions Division or before the Hon'ble High Court and Petitioner Nos. 1 and 3 do not have any criminal antecedents as revealed from Para 45 of the case diary and Petitioner No. 2 has three criminal antecedent as revealed from Para 44 of the case diary. It transpires that the instant FIR has been instituted at the instance of informant Shah Haider Ali alleging therein that accused Syed Sadaf Raza @ Rustam, Syed Ahmad Raza @ Vikram, Shah Kazim Raza, Shah Haider Ali @ Haddan, Shah Hasan Malak and Ezerba Haider @ Hanni caught hold of him and not only abused him, but also assaulted him and threatened to kill him. In the meantime, accused Shah Kazim Raza and Shah Haider Ali put a gamchha in his neck and with intention to kill him strangulated him causing loss of breath. It is alleged that all the accused kept on assaulting him by fat, fist and leg. On hulla made by the informant when his family members and other villagers came, he was saved. As per the informant when the accused saw villagers coming, the accused fled and accused Shah Kazim Raza snatched Rs. 5,600/- from his pocket. As per the informant, informant sustained injury at his back, chest and head and was taken to Sadar Hospital, Sheikhpura for treatment.

Perusal of the case diary shows that the informant has supported his case in his restatement at Para 15 and the witnesses at Para 16 and 28 have also supported the prosecution case. The independent witness at Para 37 has also supported the prosecution case. The injury report of informant Shah Haider Ali shows a bruise on right and left side of neck of size 2" x 1/4", pain and swelling in skull and swelling on nose, pain in chest. The x-ray report shows mildly displaced fracture of left nasal bone, other injuries were found simple in nature. From the FIR itself, it is apparent that the allegation of strangulation is on accused Shah Kazim Raza and Shah Haider Ali @ Haddan which fact is fully substantiated with the injury report of injured/informant. The allegation against the petitioners is to have assaulted the informant by fat, fist and leg, however, the allegation of assault is on all the accused. No specific allegation has been leveled against the Petitioner Nos. 1 and 3. The Petitioner Nos. 1 and 3 are not the main assailants. The petitioners are named in the FIR,

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however, there is no specific allegation of commission of any overt act against the Petitioner Nos. 1 and 3. The allegation against the petitioners appear to be general, omnibus and composite in nature. The allegation of theft is not on the Petitioner Nos. 1 and 3.

Under these circumstances considering the nature of offence and its gravity as well as the general and omnibus allegations against the Petitioner Nos. 1 and 3, **I deem it fit and proper to enlarge the petitioners 1. Syed Ahmar Raja @ Sayed Sadaf Raja@ Rustam and 3. Ijtaba Haider @ Hani on the privilege of anticipatory bail** in the event of his arrest or surrender before the Id. Trial Court within four weeks from the date of passing of this order on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount subject to the satisfaction of the Id. Trial Court.

As far as Petitioner No. 2 Shah Kajim Raja is concerned, this petitioner is the main assailant and there is specific allegation of commission of overt act against this petitioner. It is alleged that this petitioner along with accused Shah Haider Ali @ Haddan strangled the informant which fact is fully supported by the injury report. The allegation against this petitioner is also to have snatched Rs. 5,600/- from the pocket of the informant. Further the allegation against this petitioner is also to have assaulted the informant by fat, fist and leg. The case is still at the stage of investigation. Petitioner is named in the FIR.

Under these circumstances considering the nature of offence and its gravity as well as the specific allegation against the Petitioner No. 2, Shah Kajim Raja, **I do not deem it fit and proper to enlarge the petitioner Shah Kajim Raja on the privilege of anticipatory bail and the same is hereby rejected.**

Consequently, the instant anticipatory bail petition dated 23.07.2026 stands **partly allowed.**

Let a copy of this order be transmitted to the Id. Trial Court forthwith.

Dictated

Sd/-

(Neeraj Kishore)
Addl. Sessions Judge- 1st
Sheikhpura

Memo No. Dated 31.07.2026 sent to the Ld. Court of Smt. Pratibha Kumari, J.M.F.C., Sheikhpura alongwith order dated 31.07.2026 passed in ABP No. 438/2026.

Dictated

(Neeraj Kishore)
Addl. Sessions Judge- 1st
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Date of Judgment /Order	31.07.2026
Date of Reserving Judgment/Order	31.07.2026
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