IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80543 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- Kachna District- Katihar

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Md. Haider Son of Majiful Haque @ Majiful R/V-Guagaon, P.S.- Kachna, Distt-Katihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 83114 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- Kachna District- Katihar

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Chulka @ Aslam S/o Saiful @ Saiful Haque R/O - Gownua Gaon, P.S.- Kachna, District - Katihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 80543 of 2025)
For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate
Md. Jawahar Hussain, Advocate
Mrs. Shrishti Rani, Advocate
For the State : Mr. Tapeshwar Sharma, APP
(In CRIMINAL MISCELLANEOUS No. 83114 of 2025)
For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate
Md. Jawahar Hussain, Advocate
Mrs. Shrishti Rani, Advocate
For the State : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kachna P.S. Case No. 41 of 2025 dated 08.07.2025, registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2),

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118(1), 117(2), 109, 76, 303(2), 352, 351(2)(3) and 3(5) of B.N.S., 2023.

3. As per allegation, nine accused persons including the petitioners came over the land of the informant armed with lathi, *danda* and iron rod and started beating the father of the informant, who subsequently died. The specific allegation against the petitioners is that they have beaten the victim by iron rod, resulting into the serious injury into the head which resulted into his death.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that as per the allegation, both the petitioners have assaulted the deceased with iron rod, but as per the post-mortem report, there is only one lacerated wound on the occipital region of the deceased and one swelling on the shoulder and bruise on thigh which could not be caused by assault by iron rod. He further submits that not only charge-sheet has been submitted, but also charge has been framed in this case.

5. He further submits that the petitioner No. 1/Md. Haider and petitioner No. 2/Chulka @ Aslam have been languishing in jail since 25.08.2025 and 30.07.2025,

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respectively.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioners for bail submitting that there is direct allegation of assault by the petitioners by iron rod which resulted into the death of the deceased and hence, they do not deserve the privilege of regular bail.

9. Considering the aforesaid facts and circumstances, particularly the direct allegation of causing injury on the head which resulted into the death of the victim, I am not persuaded to enlarge the petitioners on regular bail and accordingly, it is rejected.

10. However, learned Trial Court is directed to expedite the trial and conclude the same within a year, failing which the petitioners have liberty to renew their prayer for regular bail.

(Jitendra Kumar, J)

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