

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16065 of 2026

Arising Out of PS. Case No.-107 Year-2025 Thana- NAYAGAON District- Begusarai

1. Gautam Yadav @ Gautam Kumar Son of Shankar Yadav Resident of Village- Lal Diyara, P.S.- Ballia (Balliya), District- Begusarai
2. Shiv Kumar Yadav @ Ram Kumar Son of Shankar Yadav Resident of Village- Lal Diyara, P.S.- Ballia (Balliya), District- Begusarai
3. Shankar Yadav Son of Late Bhuni Yadav @ Bhuni Yadav @ Bhuneshwar Yadav Resident of Village- Lal Diyara, P.S.- Ballia (Balliya), District- Begusarai
4. Tikar Yadav @ Amit Kumar Son of Fucho Yadav @ Rambilash Yadav @ Rambilas Yadav Resident of Village- Lal Diyara, P.S.- Ballia (Balliya), District- Begusarai
5. Fucho Yadav @ Rambilash Yadav @ Rambilas Yadav Son of Late Bhuni Yadav @ Bhuni Yadav @ Bhuneshwar Yadav Resident of Village- Lal Diyara, P.S.- Ballia (Balliya), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 04-05-2026 Heard Mr. Sandip Kumar Gautam, learned counsel

 appearing on behalf of the petitioners and Mr. Nagendra Prasad,

 learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Nayagaon P.S. Case No. 107/2025 registered for the
offence(s) punishable under Sections
191(2),126(2),115(2),109,303(2),352,351(2) of the BNS.

3. As per the allegation made in the FIR, the



informant, Gautam Kumar, submitted a written report on 29.12.2025 before the S.H.O., Nayagaon Police Station, Begusarai, alleging that while he along with his brothers had gone to their agricultural field for cutting grass, one Gautam Yadav (petitioner no.1) arrived there, abused them and, upon protest, called other co-accused persons, thereafter the F.I.R.-named accused along with some unknown persons assembled at the place of occurrence.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submitted that from the perusal of the F.I.R. it appears that though allegations of assault and firing have been made against several accused persons, no specific overt act is attributed to the petitioners and no firearm injury has been sustained by any person. The incidence arises out of a land dispute between the parties and there is a case and counter case between the parties. Injuries are simple in nature. The petitioners have clean antecedent. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.



6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, it appears that the allegations in the F.I.R. are general and omnibus in nature and no specific overt act has been attributed to the petitioners. Though allegation of firing has been made, admittedly no firearm injury has been sustained by any person. The materials on record further indicate that the occurrence has taken place in the background of a land dispute and there exists a case and counter-case between the parties. The injuries are simple in nature and the petitioners have clean antecedents, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending / Concerned Court in connection with Nayagaon P.S. Case No. 107/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify



the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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