

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17149 of 2026

Arising Out of PS. Case No.-491 Year-2025 Thana- ISLAMPUR District- Nalanda

1. Adil Haider @ Baibhav S/o Late Iftkhar Haider R/o Village - Herthu, P.S - Islampur, District - Nalanda
2. Aquib Haider S/oLate Iftkhar Haider R/o Village - Herthu, P.S - Islampur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 18171 of 2026

Arising Out of PS. Case No.-491 Year-2025 Thana- ISLAMPUR District- Nalanda

1. Samad Imam S/O Asgar Imam R/O Village- Herthu, P.S- Islampur, Distt.- Nalanda.
2. Afsar Imam @ Asfar Imam S/O Asgar Imam R/O Village- Herthu, P.S- Islampur, Distt.- Nalanda.
3. Afzal Imam @ Saijan S/O Asgar Imam R/O Village- Herthu, P.S- Islampur, Distt.- Nalanda.
4. Farhan Alam @ Abdul Farhan S/O Abdul Khalik @ Raju R/O Village- Herthu, P.S- Islampur, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17149 of 2026)

For the Petitioner/s : Mr.Santosh Kumar Sinha 2, Adv.
For the Informant : Mr. Sonu Kumar, Adv.
Mr. Harsh Vardhan, Adv.
For the Opposite Party/s : Mr. M. K. Nirala, APP

(In CRIMINAL MISCELLANEOUS No. 18171 of 2026)

For the Petitioner/s : Mr.Anil Kumar Singh, Adv.
For the Informant : Mr. Sonu Kumar, Adv.
Mr. Harsh Vardhan, Adv.
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR



ORAL ORDER

5 24-06-2026 Learned Advocates for the respective parties are present.

2. With the consent of the learned Advocates, both the applications arising out of same P.S. case, have been heard together and are being disposed off by this common order.

3. Learned Advocate for the petitioners in Cr. Misc. No. 18171 of 2026 seeks permission to make necessary correction in the cause title of the petitioner no. 3.

4. Permission is accorded.

5. The petitioners are apprehending their arrest in connection with Islampur P.S. Case No. 491 of 2025, registered for the offences punishable under Sections 190, 191(2), 192(3), 126(2), 115(2), 109, 303(2), 351(3), 352 of the BNS.

6. Based upon the fardbeyan, the prosecution alleges that a gang of 20-25 people, who were indulge in the business of illegal trade of ganja and smack in the localities, they used to give threatening to the villagers that those who will come in the way, they will have to face serious consequences. On 13.09.2025, while the informant was returning to his home, in the meanwhile, all the FIR named accused persons, including the petitioners, surrounded him and on the exhortation made by co-accused Asghar Imam, all of them started assaulting brutally.



It is specifically alleged that co-accused Farhan Alam assaulted him over his eye by means of stone and jumped over his chest; whereas co-accused Samad Imam and Abdullah Khaliq @ Raju, who were carrying iron rods in their hands brutally assaulted over his head due to which he sustained serious injury. There is further allegation of snatching of valuables.

7. Learned Advocate for the petitioners taking this Court through the FIR primarily contended that the specific accusation has been levelled against co-accused Samad Imam and Abdullah Khaliq @ Raju and so far the others are concerned, there is omnibus nature of allegation. Even if the allegation against Farhan Alam of causing assault by means of stone is concerned, the same has not been corroborated with the medical report. It is further contended that on account of previous enmity, a scuffle took place which resulted into some unfortunate injuries. Moreover, the allegation that the petitioners were members of the gang, who were indulged in the trade of illicit liquor/drugs, does not inspire confidence as at no point of time any FIR/complaint has been lodged against them with respect to any such incident. It is lastly contended that so far petitioner no. 2 in Cr. Misc. No. 17149 of 2026 is concerned, he bears fair antecedent, whereas petitioner no. 1 bears two



criminal antecedent. So far petitioners of Cr. Misc. No. 18171 of 2026 are concerned, petitioner no. 1 bears two criminal antecedent as has been disclosed in supplementary affidavit, whereas petitioner no. 2 bears one criminal antecedent and petitioner nos. 3 and 4 have clean antecedent.

8. On the other hand, learned Advocates for the State and the informant vehemently opposed the prayer for bail. Mr. Sonu Kumar, learned Advocate for the informant while opposing the prayer for bail submitted that since the petitioners were absconding from their arrest, in the meanwhile, process under Section 82 of the Cr.P.C. has been issued. Once the process has been issued, no anticipatory bail is maintainable is the contention of the learned Advocate. It is further contended that there is specific accusation against the petitioners of participating in the crime and moreover co-accused Samad Imam is the person who assaulted over the head of the informant which resulted into grievous injury. The accused persons also bear criminal antecedent as has been disclosed in their respective bail applications/supplementary affidavit.

9. Before proceeding further it would be pertinent to state here that the Hon'ble Supreme Court ruled that an accused being declared a proclaimed offender does not create an



absolute bar against seeking anticipatory bail. The Court must assess the nature of the offence and the surrounding circumstances. ***[Asha Dubey Vs. State of Madhya Pradesh: 2024 SCC OnLine SC 5633]***

10. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the specific accusation led by the informant that it is Samad Imam and co-accused Abdullah Khaliq @ Raju, who have assaulted the informant by means of iron rod due to which he sustained grievous injury, this Court is not persuaded to extend the privilege of anticipatory bail to the petitioner no. 1 of Cr. Misc. 18171 of 2026, namely, Samad Imam, who is facing specific accusation.

11. Accordingly, the prayer for anticipatory bail of petitioner no. 1 of Cr. Misc. 18171 of 2026, namely, Samad Imam stands rejected.

12. Let the other petitioners, who are facing omnibus allegation and no specific role has been attributed, except petitioner no. 1 of Cr. Misc. 18171 of 2026 namely, Samad Imam, be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon



furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-III, 1st Class, Hilsa, Nalanda/Additional Chief Judicial Magistrate 1st Hilsa, Nalanda/successor court/concerned court, Hilsa, Nalanda in connection with Islampur P.S. Case No. 491 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(i) that one of the bailors shall be the own/close family members of the petitioners,

(ii) that the petitioners would not indulge in intimidating the witnesses/informant or tampering with the evidence, and

(iii) that in case, the petitioners shall be found indulge in intimidating the informant/witnesses or tampering with the evidence, the police/informant shall be at liberty to file an application for cancellation of the bail of the petitioners.

(Harish Kumar, J)

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