IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74026 of 2026

CNR No. BRHC011079682026

Arising Out of PS. Case No.-260 Year-2026 Thana- ISLAMPUR District- Nalanda

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1. Shiv Kumar @ Shiv Kumar Yadav Son of Brajesh Yadav @ Brajesh Kumar Yadav Resident of village - Herseni, P.S.- Islampur, District - Nalanda.
2. Raju Kumar @ Raj Kumar Son of Brajesh Yadav @ Brajesh Kumar Yadav Resident of village - Herseni, P.S.- Islampur, District - Nalanda.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shashi Chand Pandey, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned Advocate for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Islampur P.S. Case No. 260 of 2026, registered for the offences punishable under Sections 190, 191(2), 191(3), 126(2), 115(2), 109(1) & 352 of the BNS and 27 of the Arms Act.

3. Allegedly, on the given date and at the time of occurrence, while the informant was engaged in survey work, the petitioners, along with others, came there and started assaulting him and snatching his bag. When the informant tried to flee, the accused persons resorted to indiscriminate firing;

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however, he was fortunate enough not to sustain any bullet injury.

4. Learned Advocate for the petitioners submitted that, on a bare perusal of the FIR, it is evident that the same has been instituted against 11 named accused persons and other unknown persons, without any specific allegation against the petitioners of causing any harm. Moreover, the informant has not sustained any injury in the said incident. Save and except the allegation of indiscriminate firing against all the accused persons, there is nothing on record to indicate that the petitioners have committed any specific overt act. It is further contended that a piece of land was purchased in the name of the petitioners' mother, and they have been in peaceful possession thereof. However, due to a mistake committed by the *Kativ*, certain incorrect information was incorporated in the sale deed, as a result of which the informant, along with others, attempted to dispossess the petitioners. In the course of the said incident, an altercation took place, which ultimately led to the lodging of the present FIR. The petitioners are carrying clear antecedent and they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State

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vehemently opposed the bail application and submitted that the petitioners have actively participated in the crime.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the omnibus allegation as also the fact that none has sustained any injury; besides the fair antecedent of the petitioners, let the petitioners above named 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 Additional Chief Judicial Magistrate-1st, Hilsa, Nalanda in connection with Islampur P.S. Case No. 260 of 2026, 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.

(Harish Kumar, J)

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