IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76684 of 2026

CNR No. BRHC011102252026

Arising Out of PS. Case No.-438 Year-2026 Thana- BIHAR District- Nalanda

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1. Shaheen Perween @ Fatma Ali Shaheen D/o Moshir Ashraf Alvi @ M A Alvi @ Ashraf Alvi Resident of Mohalla - Sakunat Khurd, PS - Biharsharif, District - Nalanda
2. Adiba ali @ Adiba Perween D/o Moshir Ashraf Alvi @ M.A Alvi @ Ashraf Alvi Resident of Mohalla - Sakunat Khurd, PS - Biharsharif, District - Nalanda
3. Shahzad Ashraf S/o Moshir Ashraf Alvi @ M. A Alvi @ Ashraf Alvi Resident of Mohalla - Sakunat Khurd, PS - Biharsharif, District - Nalanda

... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shashank Shekhar, Adv
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Biharsharif P.S. Case No. 438 of 2026 registered for the offence punishable under Sections 126(2), 115(2), 118(2), 109(1), 3(5) of the BNS.

3. The case of the prosecution, in short, as per the informant is that on 28.07.2026 at about 8:00 P.M., when he was going to park, his neighbours attacked him with knife. The co-accused Md. Shadab assaulted him with knife on his neck. The co-accused Abu Kamran @ Munna came there with pistol in his hand. All the accused persons assaulted Arshi Praveen with iron rod. Brother of Shadab assaulted him with hockey stick. They

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also thrown brick from roof causing injuries to family members of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. They have falsely been implicated in the present case. He further submits that the main allegation is against Md. Shadab and Abu Kamran @ Munna, who are not the petitioners in the present application. There is general and omnibus allegation against the petitioners and the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. From the allegations levelled in the FIR, it appears that the main allegation is against Md. Shadab and Abu Kamran @ Munna. Both of them are not the petitioners in the present application. The allegation against the petitioners is general and omnibus in nature. In Fact, the petitioner no. 3 has not even been named in the FIR but has been referred as the brother of Md. Shadab. The injury sustained has been described as simple in nature caused by hard and blunt substance, which is said to have been inflicted by the main assailants i.e. Md. Shadab and Abu Kamran @ Munna, not the petitioners. The petitioners are

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also said to have no criminal antecedent. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioners.

7. Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda at Biharsharif in connection with Biharsharif P.S. Case No. 438 of 2026, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to the further condition that:-

(i) the petitioners shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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