IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80745 of 2026

CNR No. BRHC011177512026

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

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Md. Shadab @ Shedab Ashraf @ Shadab Ashraf S/o Moshir Ashraf Alvi @ M.A. Alvi @ Ashraf alvi Resident of Mohalla - Sakunat Khurd,P.S. - 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, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 25-11-2026 Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Biharsharif P.S. Case No. 438 of 2026, F.I.R dated 29.07.2026 registered for the offences punishable under Sections 126(2), 115(2), 118(2), 109(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant while he was going to park his Toto vehicle, Md. Shadab assaulted him with a knife on the left side of his neck, causing bleeding injuries. It is further alleged that Abu Kamran alias Munna, armed with a pistol, along with others, assaulted the informant's

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family members with iron rods and hockey sticks, while Shaheen Perween and Adiba Perween pelted bricks from their rooftops, resulting in injuries to the family members.

4. Learned counsel for the petitioner by referring to the allegations made in the First Information Report, submits that the nature of the injuries sustained by the informant does not support the allegations made. It is further submitted that the privilege of anticipatory bail has already been extended to the other co-accused against whom similar allegations have been made. Even the injuries said to have been sustained by the informant are found to have been caused by a hard and blunt substance, whereas the allegation of a knife blow is attributed to the present petitioner, which does not stand corroborated. Lastly, it has been submitted that the petitioner has criminal antecedents.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances, and taking into account the fact that the injuries sustained by the informant do not corroborate the allegations made against this petitioner, that the other co-accused has already been extended the privilege of anticipatory bail, and that the petitioner has

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clean antecedents, this Court is inclined to grant the privilege of anticipatory bail to the petitioner. The Court concerned is directed to verify the injury report before accepting the bail bond, if the statement made in this regard is found to be correct, in that event, the bail bond shall be accepted.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda at Biharsharif in connection with aforementioned P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in

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no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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