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Santosh Kumar Pandey, D&ASJ – II, Darbhanga
ABP No. 622/2026
(Arising out of Simri P. S. Case No. 52/2026)
Shambhu Yadav and others versus the State of Bihar.
Date of Order – 11.05.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA
Anticipatory Bail Petition No. 622/2026

1. Shambhu Yadav s/o Late Raj Nandan Yadav,
2. Ram Chandar Yadav s/o Late Raj Nandan Yadav,
3. Vijay Yadav s/o Maheshwar Yadav,
4. Bharat Yadav s/o Sakaldev Yadav,
5. Bhoril Yadav s/o Paltan Yadav,
6. Guriya Devi w/o Lalit Yadav, all are resident of Village - Fulthua, P.S. - Simri, District - Darbhanga

----- Petitioners

versus

State of Bihar

----- Opposite Party

Appearance(s):

Counsel for the Petitioner(s) : Sri S. L. Yadav, Learned Advocate.
Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.
Counsel for the Informant : Sri Dr. Ashok Kumar Singh, Learned Advocate.

ORDER
11.05.2026

1. The present application has been preferred on behalf of the petitioners seeking the privilege of anticipatory bail in connection with Simri P.S. Case No. 52 of 2026, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS”).
2. The prosecution case, as emerging from the First Information Report, is that on 30.03.2026 at about 04:00 PM, owing to previous enmity between the parties, the accused persons including the present petitioners allegedly surrounded and assaulted the informant. It has further been alleged that co-accused Indrajeet Yadav assaulted the informant by means of a sharp-edged khanti causing injury, while co-accused Amarjeet Yadav allegedly removed an amount of Rs. 20,000/- from the pocket of the informant. It is also alleged that in the course of the occurrence, Rahul Yadav, Dhupan Yadav and Arun Yadav sustained injuries. On the basis of the aforesaid allegations, the present FIR came to be instituted.
3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case due to long-standing land dispute and previous animosity between the parties. It has further been contended that the petitioners possess clean antecedents and no criminal history has been attributed to them. Learned counsel further submitted that Title Suit No. 501 of 2025 relating to the disputed land is pending between

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the parties and there also exists a case and counter-case arising out of the same dispute, which clearly indicates that the present prosecution is a result of strained civil relations. It has further been argued that no specific overt act has been attributed to the present petitioners and the allegations are omnibus in nature. On the aforesaid grounds, prayer for anticipatory bail has been made.

4. Learned Public Prosecutor appearing on behalf of the State opposed the prayer for anticipatory bail and submitted that the petitioners are named accused persons in a case involving assault and unlawful assembly.
5. Learned counsel appearing for the informant, however, fairly submitted that there exists a land dispute between the parties and that a counter-case has also been instituted with respect to the same occurrence. The learned counsel for the informant did not seriously oppose the prayer for anticipatory bail.
6. I have heard learned counsel for the parties at length and carefully gone through the materials available on record including the case diary. Upon perusal of the FIR and the materials collected during investigation, it appears that although the petitioners have been named in the FIR, no specific overt act causing grievous injury has been attributed to them. The principal allegation of assault by sharp-edged weapon has specifically been levelled against co-accused Indrajeet Yadav. From the injury report available on record, it further appears that the injury sustained by injured Vicky Yadav has been found to be simple in nature. Though the prosecution alleges that several other persons also sustained injuries in the occurrence, no injury reports pertaining to those persons have been brought on record at this stage. The absence of corresponding medical evidence regarding the alleged injuries assumes significance while considering the prayer for anticipatory bail. It further transpires from the record and the submissions advanced on behalf of both sides that there exists an admitted land dispute between the parties and a title suit is pending with respect to the same. The existence of case and counter-case arising out of the occurrence also lends support to the contention that the dispute appears to have emanated from pre-existing civil and personal animosity. At the stage of consideration of anticipatory bail, the Court is required to assess whether custodial interrogation of the accused is necessary and whether there exists any likelihood of misuse of liberty. In the facts and circumstances of the

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present case, no material has been brought on record to indicate that custodial interrogation of the petitioners is indispensable for the purpose of investigation.

7. It is well settled that while considering an application for anticipatory bail, the Court has to balance the individual's right to personal liberty with the interest of a fair investigation. The nature of accusation, the specific role attributed to the accused, antecedents, possibility of absconding, and likelihood of tampering with evidence are relevant considerations. In the present matter, the allegations against the petitioners are general and omnibus in nature, the injuries appear to be simple, the petitioners are stated to have no criminal antecedents, and the dispute between the parties admittedly arises out of a land-related discord accompanied by counter allegations.
8. Having regard to the totality of the facts and circumstances of the case, the nature of accusation, the role attributed to the petitioners, the existence of admitted land dispute and counter-case between the parties, the nature of injury being simple in character, and the submissions advanced on behalf of the informant, this Court is of the considered view that the petitioners have made out a fit case for grant of anticipatory bail.
9. Accordingly, the prayer for anticipatory bail is **allowed**.
10. It is directed that in the event of arrest or surrender before the learned Court below within a period of six weeks from the date of this order, the petitioners shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
11.05.2026

Date of Judgement/order	11.05.2026
Date of reserving judgement/order	11.05.2026
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