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Santosh Kumar Pandey, D&ASJ – II, Darbhanga
BP No. 374/2026
(Arising out of Simri P. S. Case No. 53/2026)
Shashi Kant Yadav and another versus the State of Bihar.
Date of Order – 11.05.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA
Bail Petition No. 374/2026

1. Shashi Kant Yadav,

2. Shubh Kant Yadav, both sons of Late Fuleshwar Yadav and both 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 Chandradhar Mallik, Learned Advocate.

Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.

Counsel for the Informant : Sri. S. L. Yadav, Learned Advocate.

ORDER

11.05.2026

1. The present application has been preferred on behalf of the petitioners seeking regular bail in connection with Simri P.S. Case No. 53 of 2026, instituted for the offences punishable under Sections 126(2), 115(2), 76, 117(2), 109, 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS"). The petitioners are stated to be in judicial custody since 03.04.2026.
2. The prosecution case, as disclosed in the First Information Report, is that on 30.03.2026 at about 03:00 PM, due to an existing land dispute between the parties, all the accused persons including the present petitioners allegedly abused and assaulted the informant and also attempted to outrage her modesty. It is further alleged that when the family members of the informant intervened to rescue her, they too were assaulted by the accused persons, causing injuries to her brother-in-law (Bhainsur) on his head and finger. 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 previous enmity arising out of a land dispute between the parties. It has further been submitted that the petitioners have no criminal

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antecedent. Learned counsel further contended that Title Suit No. 501 of 2025 relating to the disputed land is pending between the parties and there also exists a case and counter-case arising out of the same occurrence. It has also been submitted that the petitioners have remained in judicial custody since 03.04.2026. On the aforesaid grounds, prayer for regular bail has been made.

4. Learned Public Prosecutor appearing on behalf of the State opposed the prayer for bail.
5. Learned counsel appearing on behalf of the informant did not oppose the prayer for bail and fairly submitted that there exists an admitted land dispute between the parties and that there is also a case and counter-case with respect to the same occurrence.
6. I have heard learned counsel for the parties and carefully perused the materials available on record including the case diary. From the materials available on record, it appears that although the petitioners have been named in the FIR, no specific overt act or distinct allegation has been attributed to them individually. The allegations against the petitioners are general and omnibus in nature. It further appears from the injury reports available on record that all the injured persons sustained simple injuries except injured Ram Chandra Yadav, who is stated to have sustained grievous injury on his finger. The said injury, though grievous in nature, is not alleged to be on any vital part of the body. The nature and gravity of injuries sustained by the injured persons constitute relevant considerations while adjudicating the prayer for bail. The materials available on record further reveal that there exists an admitted land dispute between the parties and a title suit bearing T.S. No. 501 of 2025 is pending between them. The existence of case and counter-case arising out of the same occurrence prima facie indicates that the criminal litigation is rooted in pre-existing civil discord and strained relations between the parties. The petitioners are

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stated to have no criminal antecedent and have remained in judicial custody since 03.04.2026. There is nothing on record to suggest that the petitioners are likely to abscond, tamper with evidence, or influence witnesses if enlarged on bail. The Court is required to strike a balance between the liberty of the accused and the interest of justice, and prolonged pre-trial detention should ordinarily be avoided where further custodial detention is not shown to be necessary.

7. Having regard to the facts and circumstances of the case, the nature of accusation, absence of specific allegations against the petitioners, the nature of injuries sustained, the admitted land dispute and counter-case between the parties, absence of criminal antecedent, and the period of custody already undergone, this Court is of the considered view that the petitioners have made out a fit case for grant of regular bail.
8. Accordingly, the bail application stands **allowed**.
9. Let the petitioners 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 prescribed under Section 480(3) 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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