

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34286 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- GOPALPUR District- Gopalganj

1. Upendra Yadav Son of Late Daroga Yadav Resident of Village- Vishunpura, Gopalpur, P.S- Gopalpur, Dist- Gopalganj
2. Nagendra Yadav @ Yogendra Yadav Son of Late Daroga Yadav R/o Vill.- Vishunpura, Gopalpur, P.S.- Gopalpur, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504/34 of the Indian Penal Code.

3. As per the F.I.R., petitioner No. 1 is alleged to have inflicted *farsa* blow on the head of the informant and petitioner No. 2 is alleged to have inflicted *lathi* blow upon wife of the informant. Injury caused by petitioner No. 2 is grievous in nature.

4. Learned counsel for the petitioners submits that due to land dispute between the parties, a scuffle took place in which both sides sustained injuries. Case and counter case. Present case is counter blast of Gopalpur P. S. Case No. 34 of 2024 which was lodged by brother of the petitioners against the



informant’s side. He next submits that there is inordinate delay of 5 days in lodging the F.I.R. without any plausible explanation for the same. He lastly submits that injury allegedly caused by petitioner No. 1 is simple in nature. Petitioners claim clean antecedent.

5. In view of the fact that petitioner No. 2 caused grievous injury, **prayer for anticipatory bail of petitioner No. 2 is refused**. However, considering the simple nature of injury caused by petitioner No. 1, the **anticipatory bail with regard to petitioner No. 1 is allowed** and it is ordered that the above named petitioner No. 1 in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate V, Gopalganj in connection with Gopalpur P. S. Case No. 25 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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