

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12927 of 2025

Arising Out of PS. Case No.-129 Year-2023 Thana- FULKAHA District- Araria

Sudin Yadav @ Sudin Kumar S/O Shital Yadav R/O Village- Madhura Uttar,
Ward No. 03, P.S- Fulkaha, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 19-04-2025 1. Heard Mr. Gopal Kumar Jha, learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned APP for the State.
2. The petitioner apprehends his arrest in connection with Fulkaha P.S. Case No. 129 of 2023 dated 22.09.2023, registered for the offences punishable under Sections 147, 149, 341, 323, 307, 504, 506 and 120B of the Indian Penal Code (in short 'IPC') and Section 27 of the Arms Act and later on, Section 302 of the I.P.C. was added.
3. The main submissions advanced by the petitioner's counsel are that the FIR has been registered against 10 persons including the petitioner, there are two parts of the FIR, first part relates to an occurrence of abusing and simple *marpit* allegedly having taken place with the informant's mentally challenged son



and thereafter, the second part happened in which it was alleged that the prosecution party went to the house of accused to make a complain and then as per the allegation, all the accused persons including the petitioner allegedly abused them and also committed scuffling with them and in the meantime, one of the co-accused namely Rajesh Kumar Yadav brought a pistol and opened the same at the prosecution party, causing firearm injury to the informant's son namely, Lalit Kumar Yadav @ Laltu Yadav but in that occurrence of firing, there was no role of the petitioner and the occurrence of firing is not said to have been committed in a planned manner by all the accused persons including the petitioner and the same is clearly evident as having happened in the spur of the moment. It is further submitted that co-accused Rajendra Yadav carrying similar nature of allegation has been granted the relief of anticipatory bail by the co-ordinate bench of this court vide order dated 18.01.2025 passed in Cr. Misc. No. 68740 of 2024. It is lastly submitted that the petitioner has fair and clean antecedent.

4. Though, learned APP appearing for the State has opposed the bail prayer but fairly accepts that in the FIR, there is no specific allegation against this petitioner and the main allegation of firing is against the co-accused namely Rajesh



Kumar Yadav.

5. In the facts and circumstances of this case as well as considering the above submissions advanced by petitioner’s counsel and mainly coupled with the nature of allegation appearing against the petitioner, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Fulkaha P.S. Case No. 129 of 2023 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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