

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20838 of 2025

Arising Out of PS. Case No.-145 Year-2023 Thana- GOPALPUR District- Gopalganj

1. Paras Yadav @ Paras Son of Late Devdhar Yadav village- Sukdev Patti, P.S.- Gopalpur, District-Gopalganj
2. Nagendra Yadav Son of Paras Yadav @ Paras village- Sukdev Patti, P.S.- Gopalpur, District-Gopalganj
3. Satish Yadav @ Satis Yadav son of Paras Yadav @ Paras village- Sukdev Patti, P.S.-Gopalpur, District-Gopalganj

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Satyendra Rai, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For the Informant	:	Mr. Sunil Kumar Singh, Advocate
		Mr. Ashad, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 15-07-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. At the very outset, learned counsel for the petitioners prays for withdrawal of this anticipatory bail application on behalf of petitioner no.1 as he has already died.

3. Permission is accorded.

4. Accordingly, this application on behalf of petitioner no.1 is dismissed as withdrawn.

5. Now, this application survives for petitioner nos.2 and 3 only.

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323,



324, 307, 379, 427 and 504/34 of the Indian Penal Code.

7. The prosecution case, according to the first information report, is that a dispute took place on account of moving of the buffalo and all the accused persons came variously armed to the house of the informant, assaulted him and, upon protest being raised, assaulted his family members also.

8. It is submitted by learned counsel for the petitioners that there is general and omnibus allegation in the first information report of assault being made on the informant and his family members. A perusal of the F.I.R. would make it clear that a dispute took place at the spur of the moment on a very petty dispute on the issue of moving of buffalo of the informant's side, coming on to the land and house of the accused persons. It is further submitted that the allegation on the petitioners is of assault by means of lathi and iron rod and no dangerous weapon have been used by them. Further, out of the two injured persons, Manju Devi and Anita Devi, whose injuries are attributable to the petitioner nos.2 and 3, Manju Devi has received simple injury caused by hard and blunt substance, while the injury on Anita Devi, in the nature of swelling in the right shoulder, is grievous in nature caused by hard and blunt substance but the same is on the non-vital part



of the body. Further, there is case and counter case (Annexure-P/2) and no offence under Section 307 IPC is made out.

9. Learned counsel for the informant opposes the grant of anticipatory bail to the petitioners on the ground that they have indulged in assault and grievous injury has been caused to at least two of the injured persons.

10. Taking into consideration the rival submissions of the parties as also the fact that the said occurrence arises out of a petty dispute and there is case and counter case, let the above named petitioner nos.2 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gopalpur P.S. Case No.145 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482 (2) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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