

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22198 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- GOPALGANJ TOWN District- Gopalganj

1. Heera Yadav @ Hira Yadav S/O Late Harinath Yadav Resident of village- Hajiyapur, Ward No. 28, Police Station - Gopalganj, Distt.- Gopalganj.
2. Jitendra Yadav @ Bachcha Yadav S/O Late Harinath Yadav Resident of village- Hajiyapur, Ward No. 28, Police Station - Gopalganj, Distt.- Gopalganj.
3. Dharmendra Yadav S/O Late Harinath Yadav Resident of village- Hajiyapur, Ward No. 28, Police Station - Gopalganj, Distt.- Gopalganj.
4. Kamla @ Kamal Yadav @ Kamla Yadav S/O Late Harinath Yadav Resident of village- Hajiyapur, Ward No. 28, Police Station - Gopalganj, Distt.- Gopalganj.
5. Sunil Yadav S/O Bachcha Yadav Resident of village- Hajiyapur, Ward No. 28, Police Station - Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 25-06-2025 A supplementary affidavit has been filed on behalf of the petitioners making a correction in the prayer portion of the petition wherein in the satisfaction portion instead of Gopalganj, Purnea has been typed inadvertently.

2. Learned counsel for the petitioners is permitted to make the said correction in the petition.

3. Ms. Tuba Hira, learned counsel for the petitioners prays for withdrawal of the present anticipatory bail application on behalf of the petitioner no. 1 as he has already been arrested.



4. Prayer is allowed.

5. The application on behalf of the petitioner no. 1 is dismissed as withdrawn.

6. Now, this application survives only against petitioner nos. 2 to 5.

7. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 117(2), 118(1), 109, 352, 3(5) of the B.N.S.

8. The allegation in the First Information Report is that while the informant had gone to her plot, the accused persons were found digging the field and were also variously armed and upon protest raised by the informant, the accused persons attacked upon the informant due to which she became injured. Further, when other persons also intervened in the matter, they were also assaulted causing injury to them.

9. Learned counsel for the petitioners submits that it would be apparent from the First Information Report itself that the matter arises out of a civil dispute and the entire incident escalated at the spur of the moment. It has also been submitted that actually the informant and her family members are the actual aggressors and petitioner no. 2 Jitendra Yadav had lodged an FIR in Gopalganj P.S. Case No. 03 of 2025 which has been



brought on record by way of Annexure-P/2 and the present case filed by the informant is only a counter blast as the same was filed after the FIR lodged by the petitioner no. 2. It has also been stated in paragraph-11 of the petition that in the alleged occurrence both sides sustained injuries. So far as the injuries of the injured persons of the present case are concerned, the injuries report of all the injured persons of the present case are available along with the case diary and the same indicate that all the injuries are simple in nature.

10. Learned APP for the State has opposed the application for anticipatory bail.

11. Taking into consideration the fact that there is an admitted land dispute and also there is case and counter case and all the injuries sustained by the injured persons of the present case are simple in nature, let the above named petitioner nos. 2 to 5 in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail 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 court below where the case is pending/successor court in connection with Gopalganj Town P.S. Case No. 04 of 2025, subject to the



condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

12. It is noticed that in the margin of the present FIR, it has been mistakenly written as Gopalganj Town P.S. Case No. 04 of 2024. However, the date and signature of the S.H.O. would show that it is dated 03.01.2025 and the bail rejection order also indicates that the number of the case is Gopalganj P.S. Case No. 04 of 2025.

13. In such view of the matter, it appears that there is a mistake at the side of the margin of the FIR and Gopalganj Town P.S. Case No. 04 of 2024 should have been Gopalganj Town P.S. Case No. 04 of 2025.

(Soni Shrivastava, J)

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