

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31800 of 2025

Arising Out of PS. Case No.-33 Year-2025 Thana- Geedha District- Bhojpur

1. Sohan Yadav @ Sohan Ray S/o Late Ram Ishwar Rai @ Late Ram Ishwar Yadav Resident of Village- Birampur, P.S.- Geedha, District- Bhojpur
2. Shiv Kumar Yadav @ Shiv Kumar Rai S/o Late Lakshman Rai @ Late Ram Lochan Yadav Resident of Village- Birampur, P.S.- Geedha, District- Bhojpur
3. Manoj Pandit S/o Late Vrij Nandan @ Late Vrij Nandan Pandit Resident of Village- Birampur, P.S.- Geedha, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Geedha P.S. Case No. 33 of 2025 lodged on 06.02.2025, for the offence punishable under Sections 190, 191(3), 126(2), 117(2), 109, 324(6), 351(3) & 352 of the Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against



six named accused persons including the present petitioners against whom there is an allegation that they have attacked by iron rod on the vehicle of the informant and accused persons made indiscriminate firing of 20 rounds due to which the vehicle was severely damaged. It has also been alleged that one Kanhaiya Kumar was brutally assaulted by the accused persons and he was admitted to hospital where 40 to 50 stitches were given to him. Allegation of threatening is also there and from the place of occurrence, empty cartridges have been recovered by the police.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that for the same date and place of occurrence, there is a case and counter case i.e. one case has been lodged from the petitioners' side bearing Geedha P.S. Case No. 34 of 2025 and the present case has been lodged from the informant's side bearing Geedha P.S. Case No. 33 of 2025. Counsel submits that it has been categorically alleged that the petitioners' side are agricultural workers and that the informant exerted pressure on them to perform agricultural work. However, due to their illness, they were unwilling to do so. It is due to this reason that the informant's side became angry and left, making threats. Counsel



submits that when the present petitioners and their friends were returning to their house then in the meantime, the informant's side surrounded them and fired on the petitioners' side due to which anyhow they saved their life. In this regard, they filed criminal case and also attack by bricks when collection of the local public has been made. Thereafter, they left their vehicle at the place of occurrence and fled away. Counsel submits that the petitioners' side lodged FIR, but the police has lodged their FIR later on and numbered as Geedha P.S. Case No. 34 of 2025, whereas the case of informant was lodged earlier bearing Geedha P.S. Case No. 33 of 2025 in which brutal allegation has been made.

5. Learned counsel for the petitioners further submits that on previous occasion, case diary has been called for in order to examine the nature of the injuries sustained by the injured, Kanhaiya Kumar. Counsel submits that as per the case diary, it become very much clear that the allegation of brutal assault is absolutely false and it is also false to say that 40 to 50 stitches are there. Actually, the superficial injury has been taken place and there is only one injury. Counsel submits that the allegation of recovery of cartridges is also not correct as in the case diary, recovery of cartridges has not been shown and in the



supplementary report, the injury has been shown simple in nature. Counsel further submits that the petitioners have no criminal antecedent.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that it is true that on previous occasion, case diary has been called for. Counsel submits that there are two injuries attached. First injury is the injury report and second is the supplementary injury. From the supplementary injury, it transpires that nature of injury is simple in nature. Counsel also submits that for the same date and place of occurrence, there is a case and counter case from both the sides. He submits that the FIR indicates that there is general and omnibus allegation and no specific allegation against anyone, but injury has been caused to Kanhaiya Kumar.

7. From perusal of the injury to Kanhaiya Kumar, it transpires to this Court that in paragraph no.45, nature of injury was reserved, but in paragraph no.59 of the case diary, supplementary report has been received and in the supplementary report, nature of injury has been shown as simple.

8. As such, in the present facts and circumstances of this case, let the above named petitioners be released on



anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Judicial Magistrate 1st Class, Bhojpur at Ara, in connection with Geedha P.S. Case No. 33 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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