

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36848 of 2025

Arising Out of PS. Case No.-888 Year-2021 Thana- MADHEPURA District- Madhepura

1. Ashish Kumar S/o- Maheshwari Yadav @ Maheshwari Pd. Yadav Resident of village- Goudhiyari P.S. Madhepura District- Madhepura.
2. Nitish Kumar S/o- Maheshwari Yadav @ Maheshwari Pd. Yadav Resident of village- Goudhiyari P.S. Madhepura District- Madhepura.
3. Maheshwari Yadav @ Maheshwari Prasad Yadav S/o- Late Vasudeo Yadav Resident of village- Goudhiyari P.S. Madhepura District- Madhepura.
4. Raja Kumar S/o- Late Indo Yadav Village- Sahugadh Morkahi Tola Ps Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Madhepura P.S. Case No. 888 of 2021, dated 15.11.2021, registered for the offence punishable under Sections 447, 448, 341, 323, 324, 307, 354-B, 379, 504, 34 of the Indian Penal Code.

3. The case of prosecution, in short, is that one Rudranarayan Yadav gave a written report to SHO Madhepura P.S. on 15.11.2021 at 11:25 O'clock alleging therein that 1.



Ashish Kumar, 2. Nitish Kumar 3. Maheshwari Yadav 4. Raja Kumar came to his courtyard armed with Lathi, danda, rod, three-nut and farsha due to old land dispute. They all entered to my angan. Maheshwari Yadav ordered to kill. Ashish Kumar assaulted the hand of informant by lathi. Ashish Kumar further assaulted the head of informant. Maheshwari Yadav also assaulted Raja Kumar, who sustained head injury. Nitish Kumar assaulted Sudhir Yadav on his head by farsha, due to which his ear was cut. Ashish and Nitish entered into his house, broken the box and looted Rs.10,000/- cash, jewellery worth Rs. 30,000 and clothes of Rs. 5000. Raja Kumar fired in air and with the help of villagers all injured persons were brought to the Sadar Hospital Madhepura for treatment, from where referred to Madhepura Medical College due to seriousness of injury.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and no occurrence has taken place in the manner as alleged in the F.I.R. From the contents of the F.I.R., it would appear that there is admitted land dispute between the parties and looting of cash and jewellery are ornamental. The informant side himself attacked on petitioners side. Petitioner no. 1 Ashish sustained grievous head injury while they also assaulted the leg of Nitish Kumar, subsequently,



his leg became fracture. Informant side assaulted on the shoulder of Maheshwari Yadav.

5. It has next been submitted that informant of this case has also looted cash Rs. 51,000/- and one mobile of Rs. 10,000/-. Petitioner side also lodged F.I.R. against the informant side bearing Madhepura P.S. Case No. 908 of 2021, dated 20.11.2021 for the occurrence which was taken place on 13.11.2021.

6. Learned counsel for the petitioners has taken this Court to the F.I.R. which is said to have been lodged by them and from the contents of the F.I.R., it is quite apparent that there was scuffle between them and during course of said transaction, the injuries were sustained by both of parties and even these petitioners who are seeking bail in the case lodged by the informant have sustained injury. Looking to the seriousness of the injuries, the petitioner no. 1 was sent from Sadar Hospital Madhepura to Madhepura Medical College, where the Doctors having found the seriousness of the injuries required him to be referred to the P.M.C.H., Patna where petitioner no. 1 was treated for a long time and thereafter the victim was discharged.

7. Learned A.P.P., on the other hand appeared and opposed the prayer for anticipatory bail to the petitioners by



submitting that the injuries were caused to the informant and his family members and though, as per the opinion given by the Doctor, the injuries are simple in nature. The injuries have also been sustained by the petitioner no. 1 and he was also referred to P.M.C.H., Patna for better treatment which is a fact that cannot be disputed.

8. Considering the fact that there is case and counter case between the parties and both the parties have sustained injuries, further the petitioner no. 1 was referred to the P.M.C.H. for better treatment and taking into account nature of injury sustained by both the sides for which the cases of the kind has been instituted by both the parties, let the above named petitioners, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Madhepura P.S. Case No. 888 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Ajit Kumar, J)

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