

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43565 of 2025

Arising Out of PS. Case No.-230 Year-2024 Thana- SHANKARPUR District- Madhepura

1. AJAY KUMAR @ AJAY YADAV S/o Late Yogi Yadav @ Yogendra Yadav Resident of Village-Basantpur, Ward No. 13, P.S.-Shankarpur, District-Madhepura.
2. Arvind Yadav S/o Late Jagdish @ Yugo Yadav Resident of Village-Basantpur, Ward No. 13, P.S.-Shankarpur, District-Madhepura.
3. Raushan Kumar @ Raushan Yadav @ Rausan Kumar S/o Mahendra Yadav Resident of Village-Basantpur, Ward No. 13, P.S.-Shankarpur, District-Madhepura.
4. Vijay Kumar @ Vijay Yadav S/o Mahendra Yadav Resident of Village-Basantpur, Ward No. 13, P.S.-Shankarpur, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Ms. Isha Mishra, Adv.
For the State	:	Mr. Ajay Kumar No. 2, APP
For the Informant	:	Mr. Awadhesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 21-11-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Shankarpur P.S. Case No. 230/2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 115(2), 118(1), 117(2), 134, 303(2), 308(3), 109, 351(2), 351(3), 352 of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and others are said to have surrounded the informant's father-in-law and abused and assaulted him. There is allegation against petitioner



no.1 who is said to have assaulted the informant's father-in-law by means of *khanti* and petitioner no.3 is said to have assaulted the informant's father-in-law by means of *iron rod* as a result of which he sustained injuries on both legs and right hand.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. The petitioners bear no criminal antecedent. There is no specific allegation against petitioner nos. 2 and 4, rather allegations are general and omnibus in nature. There is specific allegation against petitioner nos. 1 and 3 who are said to have assaulted the informant's father-in-law by means of *khanti* and *iron rod* as a result of which he sustained injuries on both legs and right hand and the injury report of the informant's father-in-law is grievous in nature, as is evident from injury report. He further submits that the informant and petitioners are co-villagers and there is a land dispute between the parties and in the cases of land dispute facts are generally exaggerated to make the case graver. He further submits that there is inordinate delay of two days in lodging the FIR as occurrence took place on 24.12.2024 and FIR has been lodged on 26.12.2024 and no plausible explanation has been given regarding the said delay. He further submits that there is allegation against co-accused



persons who are said to have assaulted the informant's father-in-law but the injury report does not convey the manner of injury which is inflicted upon the body of informant's father-in-law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under Section 109 of the B.N.S. and Section 27 of the Arms Act. Hence, the petitioners deserve anticipatory bail.

5. The learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that there is specific allegation against petitioner nos. 1 and 3 who are said to have assaulted the informant's father-in-law by means of *khanti* and *iron rod* as a result of which he sustained injury and the same is grievous in nature as per injury report and hence, petitioner nos. 1 and 3 do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, there is no specific allegation against petitioner nos. 2 and 4, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner nos. 2 & 4 above-named **except petitioner nos. 1 and 3**, in the event of their arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory 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 Chief Judicial Magistrate, Madhepura in connection with Shankarpur P.S. Case No. 230/2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. So far as petitioners nos. 1 and 3, namely *Ajay Kumar @ Ajay Yadav* and *Raushan Kumar @ Raushan Yadav @ Rausan Kumar* are concerned, there is specific allegation against petitioner nos. 1 and 3 who are assaulted the informant's father-in-law by means of *khanti* and *iron rod* as a result of which the informant's father-in-law sustained injuries on both legs and right hand and the injury report of the informant's father-in-law reveals that he sustained grievous injury. Hence, I am not inclined to grant the privilege of anticipatory bail to petitioners nos. 1 and 3. Accordingly, prayer for anticipatory bail of the petitioners nos. 1 and 3 is hereby rejected.

9. The application stands disposed of.

10. However, the petitioner nos. 1 and 3 are directed to surrender before the concerned court within three weeks from the date of receipt of the order. If petitioner nos. 1 and 3



surrender and seek regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudiced by order of this court.

(Alok Kumar Pandey, J)

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