

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43835 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- GOVINDPUR District- Nawada

Fotu Yadav @ Prakash Yadav Son of Tilak Yadav village- Jivlal Bigha, Ps-
Giriyak, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Yadav, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned counsel for the informant.

2. Learned counsel for the petitioner submits that due to inadvertent mistake, section 27 of the Arms Act could not be typed in some of the paragraphs of the present bail application. As such, he is directed to correct the same in course of the day.

3. The petitioner is apprehending arrest in connection with Govindpur P.S. Case No. 61 of 2025 lodged on 24.02.2025, for the offence punishable under Sections 126(2), 115(2), 351(2), 352, 109, 118(1) & 3(5) of the of the Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms Act, pending in the Court of Additional Sessions Judge-I, Nawada.

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



six named accused persons including the present petitioner against whom there is an allegation that they have assaulted the informant's son with *lathi danda* and iron rod on his head and also broken his hand and leg due to which, injury has been caused. Later on, when the villagers came to rescue, then the accused persons fled away by firing in the air.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from bare perusal of the FIR, it transpires that there is general and omnibus allegation against the accused persons. Counsel submits that it is true that firing was made, but no one was injured and due to dirty village politics, name of petitioner has figured in this case. Counsel submits that the land dispute is involved in this case between the informant and petitioner and both are resident of same village and are well known to each other. Counsel submits that there was no recovery of arms in this case and as such, offence under Arms Act is not attracted in the present case. Counsel further submits that the petitioner has no criminal antecedent.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the cause of dispute has already been explained in the FIR. He submits that the



informant's son was witness in the earlier case and with a view to stop him from appearing before the court, such crime was committed. Counsel further submits that the Sessions Judge at the time of passing the order has considered/perused the case diary and categorically acknowledged that the injury report of injured Awadhesh Kumar (informant's son) shows four injuries on his head, vital part of the body and the injuries were found grievous in nature.

7. Learned APP for the State opposes the prayer for bail of the petitioner.

8. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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