

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50983 of 2025

Arising Out of PS. Case No.-80 Year-2025 Thana- ISHUPUR BARAHAT District- Bhagalpur

1. Baiju Yadav S/o- Late Ganauri Yadav Resident of Village- Harso Tikar, Sarkanda, P.S.- Ishipur, Dist- Bhagalpur
2. Umesh Yadav S/o- Bhudev Yadav Resident of Village- Harso Tikar, Sarkanda, P.S.- Ishipur, Dist- Bhagalpur
3. Mithilesh Yadav @ Mithilesh Kumar Yadav S/o- Baiju Yadav Resident of Village- Harso Tikar, Sarkanda, P.S.- Ishipur, Dist- Bhagalpur
4. Gopal Yadav S/o- Umesh Yadav Resident of Village- Harso Tikar, Sarkanda, P.S.- Ishipur, Dist- Bhagalpur
5. Mithun Yadav S/o- Baiju Yadav Resident of Village- Harso Tikar, Sarkanda, P.S.- Ishipur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The petitioners are apprehending arrest in connection with Ishipur (Barahat) P.S. Case No. 80 of 2025, dated 18.05.2025, lodged under Section 191(2), 191(3), 190, 115(2), 117(2), 109, 352, 351(2) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against nine named and 8–10 unknown accused persons, including the



present petitioner, with the allegation that they all surrounded the informant and suddenly assaulted him, causing him to lose consciousness. When his son, wife, and other relatives reached the spot to save him, the accused persons also assaulted them with a sword and *jhorni* (made of iron), resulting in injuries to all of them. Due to the series of injuries sustained, all the injured persons were admitted to J.L.M.N.C.H.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the petitioners and the informant are residents of the same village and are well known to each other. He also submits that a long-standing dispute has been ongoing between the parties. It is further submitted that in the year 2023, an FIR was lodged by petitioner No. 1 against the informant, and the said case is still pending.

5. He further submits that the injury report has been attached, and from its contents, it is evident that the injuries sustained are simple in nature. He also submits that the antecedents of all the petitioners are clean, except for petitioner No. 1, against whom one criminal case is pending, in which he is presently on bail.

6. It is further submitted that, upon a bare reading of



the FIR, it becomes crystal clear that there is no specific allegation of act or overt act against any of the accused persons, rather, all the allegations are general and omnibus in nature. Counsel further submits that a counter case has been filed by petitioner No. 1, which has been annexed as Annexure-P/2. Furthermore, it is submitted that the petitioners are ready to comply with all conditions whatsoever that may be imposed upon them.

7. Learned counsel for the informant, on the other hand, vehemently opposes the prayer for bail and submits that, although the allegations in the FIR are vague and not specific, it is also true that the present FIR was lodged on 18.05.2025, whereas, with a view to save their skin, a complaint case was lodged on 22.05.2025. He further submits that the wife of the informant was injured, and her injury is grievous in nature, as indicated in the impugned order.

8. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that the FIR is vague and evasive.

9. As such, in the present facts and circumstances of this case, particularly considering the long-pending disputes between the parties and the evasive nature of the allegations, let



the above-named petitioner 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) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of C.J.M., Bhagalpur, in connection with Ishipur (Barahat) P.S. Case No. 80 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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