

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62656 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- SHANKARPUR District- Madhepura

Mithilesh Yadav @ Mithilesh Kumar S/O Late Bhumi Yadav R/O Vill.- Balba
Ward no. 9, P.S.- Shankarpur, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Kumar, Adv

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 2 15-09-2025 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner apprehends his arrest in connection
with Shankarpur P.S. Case no. 98/2024 registered under
Sections 341, 323, 324, 307, 354, 354(B), 356, 379, 504/34 of
IPC.
3. The allegation in the first information is that
accused persons variously armed came to the house of the
informant and indulged in abuse and assault.
4. Learned counsel for the petitioner submits that the
petitioner side and the informant side are *gotias*, and a bare
perusal of the first information report would also indicate that
the present occurrence took place over the issue of the
demolition of a hut. No intention of causing any death or serious



injury can be imputed in the background of such allegations. It has further been submitted that there is a case and counter-case, which has been lodged by the petitioner himself which is Annexure-2 to the present application. It has also been submitted that the FIR has been lodged after a delay of two days inasmuch as the occurrence is said to have taken place on 04.06.2024, whereas the FIR has been lodged on 06.06.2024, and further submission is that the injury report of Ramkishun Yadav, which has been annexed as Annexure P/3, would also indicate that the injuries are in the nature of laceration, pain and swelling, and the injury found on the scalp is minor, which may have been caused by a scuffle. The petitioner undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on ground that there is a specific allegation upon this petitioner of assault.

6. Taking into consideration the facts and circumstances of the case and also considering that there is a case and counter case and the petitioner and informant side indulged into a free fight on ground of dispute with regard to demolition of hut, further considering that there is not a very serious injury that has been caused to the injured, let the above



named petitioner who has no criminal antecedent, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Shankarpur P.S. Case no. 98/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM,-I, Madhepura, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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