

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72224 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- SANGRAMPUR District- Munger

1. Budhan Yadav S/o Late Janki Yadav R/o vill - Jhikuli, P.S - Sangrampur, District - Munger
2. Sudama Kumar S/o Budhan Yadav R/o vill - Jhikuli, P.S - Sangrampur, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Singh

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 01-07-2025 Heard learned counsel for the petitioners, learned counsel for the OP.No.2 and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 504, 506, 307/34 of the Indian Penal Code and section 27 of the Arms Act.

3. The allegation in the FIR is that the police were informed that two parties have indulged in a quarrel with each other on the issue of keeping Gosain in their old house and persons on both the sides are injured.

4. Learned counsel for the petitioners submits that it would be apparent from the FIR itself that the dispute had taken



place between the parties, who are Gotiyas, with regard to keeping the Gosain in their house and there was a free fight between the parties in which both the sides sustained some injuries which all are simple in nature. This fact is demonstrated by Annexure- 2 series which contains the injury reports of injured Rakesh Kumar of the present case and also the injured persons on the side of the petitioners and the same would show that they are all simple in nature and caused by hard and blunt substance.

5. Learned counsel for the victim however opposes the grant of anticipatory bail on the ground that firing has also been made by the accused persons due to which one of the injured Rakesh Kumar has received firearm injury. However, on perusal of the entire case diary, no injury report which indicates the said firearm injury is found. However, by an earlier order the final injury report of the injured was also called for and a perusal of the same also does not indicate any firearm injury. It rather indicates that there is no bony fracture seen and there is no significant abnormality seen in the brain parenchyma.

6. Be that as it may, considering the fact that it is a case of free fight between the Gotiyas on a very petty dispute



and there is no intention to kill, I am inclined to grant privilege of anticipatory bail to the petitioners . Accordingly, in the event of their arrest/ surrender within a period of four weeks from today, the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Sangrampur P.S.Case No. 118 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioners shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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