

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89339 of 2024

Arising Out of PS. Case No.-362 Year-2024 Thana- KATEYA District- Gopalganj

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1. Amresh Yadav S/O Shambhu Yadav R/O Kukurbhuka, P.S- Kateya, Distt.- Gopalganj.
 2. Amit Yadav @ Himanshu Yadav S/O Shriram Bharose Yadav @ Shriram Yadav R/O Kukurbhuka, P.S- Kateya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-01-2025 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kateya P.S. Case No. 362 of 2024, registered for the offences punishable under Sections 126(2), 127(2), 115(2), 118(1), 109(1), 303(2), 352, 351(3) and 3(5) of the BNS Act.

3. Allegedly, while the informant was going to his home, in the meantime, all the FIR named accused persons, including the petitioners, surrounded him and started abusing and assaulting. It is specifically alleged that the petitioners have assaulted the informant by means of *farsa* and *dab* over his head, due to which he sustained serious injury. There is further



allegation against other accused persons.

4. Learned Advocate for the petitioners contended that in fact on account of a previous dispute, both the parties have entered into a free fight, resulting into injuries to persons of both the sides, leading to case and counter case. There is counter version of the present case being Kateya P.S. Case No. 366 of 2024 against the informant and his family members. It is next contended that on account of inadvertence, the injury report of the informant could not be brought on record and, as such, the photo-copy of the injury report of the informant is placed before this Court and the same is taken on record. Referring thereto, he submitted that the injury sustained to the informant is simple in nature. It is lastly contended that though the petitioner no. 1 bears two criminal antecedent, whereas, the petitioner no. 2 is having fair antecedent, but both of them undertook that they will not indulge in such kind of activities in future.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that both of them have brutally assaulted the informant, due to which he sustained serious injury.

6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and



counter case, coupled with the simple nature of injury and the previous enmity, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- VI, Gopalganj in connection with Kateya P.S. Case No. 362 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with a condition that in case, the petitioner shall be found indulged in such type of activities in future, the prosecution shall be at liberty to file a proper application before the Court below for proper action, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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