

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2656 of 2025

Arising Out of PS. Case No.-492 Year-2024 Thana- FATUA District- Patna

1. Bhushan Singh @ Bhushan Yadav Son of Ballam Singh @ Rajballam Resident of Village- Budhuchak, P.S.- Fatuha, Distt.- Patna
2. Ankush Kumar Son of Sri Bhushan Singh @ Bhushan Yadav Resident of Village- Budhuchak, P.S.- Fatuha, Distt.- Patna
3. Ankit Kumar Son of Sri Bhushan Singh @ Bhushan Yadav Resident of Village- Budhuchak, P.S.- Fatuha, Distt.- Patna
4. Dhiraj Kumar Son of Sri Bhushan Singh @ Bhushan Yadav Resident of Village- Budhuchak, P.S.- Fatuha, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar, Advocate
For the Opposite Party/s	:	Mr.Upendra Kumar, APP
For the Informant	:	Ms. Malti Kumari, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Fatuha P.S. Case No.492 of 2024 registered for the offences punishable under Sections 126, 115(2), 109, 352, 351(2) of Bharatiya Nagarik Suraksha Sanhita and 27 of the Arms Act.

3. The allegation on the petitioners is that they all came variously armed with country made pistol, iron rod and lathi and while petitioner no.1 resorted to firing the others



assaulted with lathi on the head of the informant with an intention to kill him and the other petitioners also assaulted with lathi due to which the left hand of the informant got injured. Petitioner no.3 also cut the informant's son with a blade at various places on his left hand and back.

4. Learned counsel for the petitioners submits that the allegations levelled in the First Information Report are not correct and as a matter of fact there is a case and counter case between the parties. It has next been submitted that the rival parties are gotias and co-sharers of the landed property and on 29.07.2024 an FIR was lodged by the mother-in-law of petitioner no.1 against the informant and his family members and the said FIR has been brought on record vide Annexure-2 to the present application.

5. So far as injuries are concerned, the injury suffered by Randhir Kumar, the son of the informant, are simple in nature and the injury report of the informant would show that he has suffered two injuries in the form of laceration and abrasion out of which one is on the forearm, which is a non-vital part of the body, and the second is over occipital region regarding which the opinion has been reserved. However, it would also appear from the requisition that he has only complained of pain



in his head.

6. Learned APP for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail, besides other grounds, also on the ground that the petitioners have criminal antecedents. In response to the same, learned counsel for the petitioners submits that the petitioner no.1 is an accused in one other case and petitioners no.2, 3 and 4 are accused in two other cases which all arise out of family dispute with the informant of this case and they are on bail in the said cases.

7. Taking into consideration the abovementioned facts and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to the petitioners. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 1st, Patna City in connection with Fatuha P.S. Case No.492 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that:-

(i) The petitioners shall cooperate in the



investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

8. It is however noted that the present case has been heard upon a mentioning slip annexing the wedding card of petitioner no.4. The concerned SHO of Fatuha would verify the factum of marriage and in case the same is found to be false or non-existent, steps would be taken for cancellation of bail of the petitioners in the court below on the said ground.

(Soni Shrivastava, J)

arvind/-

U		T	
---	--	---	--

