

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13630 of 2026

Arising Out of PS. Case No.-152 Year-2025 Thana- ROSHANGANJ District- Gaya

1. Shyam Bihari Kumar Son of Sita Ram Yadav Resident Of Village - Fatehpur, P.S.- Roshanganj, District- Gaya.
2. Raj Kumar Prasad @ Raj Kumar Yadav Son of Sita Ram Yadav Resident Of Village - Fatehpur, P.S.- Roshanganj, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Advocate General Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-04-2026 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Roshanganj P.S. Case No. 152 of 2025, dated 24.11.2025, lodged under Sections 191, 126(2), 115, 118(1), 117, 109, 61(2) & 352 of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against five named accused persons, including the present petitioners, alleging that they all assaulted the husband of the informant with an iron rod, sharp cutting weapons, and a *tangi*. It is further alleged that they broke the hand of the informant’s husband and caused injury to his head, due to which he was seriously injured.



Thereafter, there is also an allegation of snatching Rs. 1,25,000/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that from a bare reading of the FIR, it becomes crystal clear that the dispute took place between family members, and although there is an allegation of assault by iron rod and sharp cutting weapons, the injury report does not support the same.

5. Counsel further submits that both parties are agnates, and on account of a petty land dispute, a scuffle took place within the family, which resulted in the filing of the criminal case. Counsel also submits that on the previous occasion, the case diary, including the injury report, had been called for. From the injury report, it becomes clear whether the allegations made in the FIR are correct or not.

6. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that the injury report transpires that the injuries are grievous in nature. The injuries are lacerated wounds and abrasions, which cannot be caused by the sharp cutting weapon alleged to have been in the hands of the petitioners.



7. In the present facts and circumstances of this case, let the above named petitioners 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) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate, 1st Class, Sherghati, Gaya, in connection with Roshanganj P.S. Case No. 152 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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