

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38004 of 2026

Arising Out of PS. Case No.-90 Year-2025 Thana- CHERKI District- Gaya

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Anil Yadav, S/o Late Mundrika Yadav, R/o Village-Simariya, P.S.-Cherki,
Distt.- Gaya Ji.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
		Mr. Manish Kumar, Advocate
For the Opposite Party/s :		Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2026 The defect as pointed out by the office is ignored

for the present.

2. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

3. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Cherki P.S. Case

No.90 of 2025 registered under Sections 126(2), 115(2),

109(1), 117(2), 76, 303(2), 351(2), 352 read with 3(5) of

the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

4. Allegation against petitioner is to assault the

informant and others during the course of occurrence

causing head and bodily injuries by using iron rod and khanti

with intention to cause their death.



5. It is submitted by learned counsel appearing for petitioner that the present occurrence was free fight in nature, where both parties received injuries and for the same set of occurrence, the petitioner's side also lodged his case at first instance, which was registered as Cherki P.S. Case No.88 of 2025, countering the aforesaid case, the present case was lodged. It is submitted that merely on the ground that the assault as alleged to be caused by this petitioner was made on head of injured, the prayer of anticipatory bail of petitioner was rejected though, the nature of injury upon medical examination found simple in nature. It is submitted that merely as alleged assault was caused on head, the rejection of anticipatory bail of petitioner is bad in eyes of law as there are several factors, which required to be considered to make out a case under Section 109(1) of the BNS like, nature of injuries, nature of weapons, the manner of assault and the conduct of accused pre and post occurrence. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **State of Himachal Pradesh vs.**



Shamsher Singh [2025 SCC OnLine SC 807].

6. Arguing further, it is submitted that the occurrence took place in the background of the land dispute, where allegation was raised against 12 persons including this petitioner to assault informant and others. It is pointed out that the petitioner's side received grievous injury during the occurrence. Explaining criminal antecedent, it is submitted that petitioner found involved in three more criminal cases, where he is on bail.

7. Learned APP has opposed the prayer of bail.

8. In view of aforesaid factual submissions and by taking note of fact as occurrence is free fight in nature, where both parties received injuries, coupled with the fact that the nature of injuries as alleged to be caused by this petitioner upon medical examination found simple in nature, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail 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 Additional Chief Judicial Magistrate-V, Gaya in connection with Cherki P.S. Case No.90 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

(Chandra Shekhar Jha, J.)

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