

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58046 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- GAURICHAK District- Patna

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1. Nitish Kumar Son of Prem Prakash R/O Vill.- Janakpur, P.S.- Gaurichak, Dist.- Patna.
 2. Monu Kumar @ Vikram Kumar Son of Umesh Rai R/O Vill.- Janakpur, P.S.- Gaurichak, Dist.- Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Gaurichak P.S. Case No. 119 of 2024 registered for the offences punishable under Sections 147, 149, 341, 323, 379, 354, 504 and 506 of the Indian Penal Code.

3. The allegation against petitioners is to assault the informant and other family members by using iron rod due to neighbourhood dispute and differences arising out of drainage issue.

4. Learned counsel appearing on behalf of the



petitioners submitted that occurrence, as appears from the face of FIR, is of free-fight in nature where both parties have received injury. It is submitted that this is not a case for the offence punishable under section 307 of the I.P.C., and merely as the allegation is to cause injury by using iron rod, prayer of anticipatory bail of petitioners was rejected by learned trial court. It is submitted that none of the assault as alleged through FIR appears repeated. Petitioners claimed clean antecedent.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail of the petitioners.

6. In view of the aforesaid factual submissions and by taking note of the fact as the occurrence *prima facie* appears free-fight in nature arising out of trivial neighbourhood dispute and differences, where both parties received injury, coupled with the fact that petitioners are the men of clean antecedent, accordingly, both above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only)



each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Patna/concerned court in connection with Gaurichak P.S. Case No. 119 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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