

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.92067 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- BARBIGHA District- Sheikhpura

Gorelal Yadav S/o Late Sahan Yadav @ Late Sahdeo Yadav R/o Village -
Akabarbigha, P.S- Barbigha, District - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-04-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Barbigha P.S. Case No. 144 of 2025 registered for the offence punishable under Sections 115(2), 126(2), 117(2), 109(1), 74, 303(2), 152 and 3(5) of B.N.S.

3. As per the allegation made in the F.I.R., the cattle of the petitioner and co-accused Jamindar Yadav entered into the field of the informant and grazed and destroyed the newly planted mango trees. It is further alleged that upon protest being raised by the informant and his brother, the petitioner and his brother abused and assaulted them inflicting injuries to their head and hand. It is also alleged that the other family members of the informant were also assaulted by the accused persons.

4. Learned counsel appearing on behalf of the



petitioner submitted that the informant is the co-villager, while the allegation is that cattle of the petitioner had grazed and destroyed the recently planted mango trees, while it was raining as reported by the Investigating Officer. Because the plant got damaged, the informant started abusing the petitioner and his entire family members. Both the parties indulged into free fight and as a result of heat of passion and the spur of the moment, the petitioner may have caused some injury, but not with intention, though the injuries are grievous. To buy peace of mind and informant being the co-villager of the petitioner, the petitioner don't want to continue the enmity with the informant. Learned counsel relies upon the law laid down by the Apex Court in the case of *Naushey Ali & Ors. Vs. State of U.P., reported in (2025) 4 SCC 78* and seeks that a chance be given to the petitioner to negotiate with the informant to arrive at an amicable settlement.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., as well as, the manner in which the incident has taken place, in Para-7 of the case diary, I.O. has reported that there was no sign of any blood nor any incriminating material was



collected in course of investigation. Some of the newly planted mango trees were destroyed, the cattle may have grazed the same, from the F.I.R., it cannot be said that the petitioner was present on the spot or he had intentionally allowed his cattle to graze or destroy the newly planted mango trees, it is not a case that the petitioner along with his brother with an intention to kill the informant in a planned manner had conspired to do so and in absence of such allegation, I find that the parties indulged in hot talk which resulted into free fight, though there is no counter case lodged by the petitioner's side. Injuries are grievous in nature and it cannot be said that the same is attributable to the petitioner only, the brother of the petitioner namely Jamindar Yadav has already been granted regular bail, I find that the petitioner deserves to be given benefit of doubt and there is very bleak chance that the petitioner can be convicted if he faces the trial. The petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Sheikhpura in connection



with Barbigha P.S. Case No. 144 of 2025, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

9. Considering the desire of the petitioner, learned District Court is directed to examine the matter for settlement of the dispute outside the court by way of mediation in light of the law laid down by the Apex Court in the case of *Naushey Ali & Ors. Vs. State of U.P., reported in (2025) 4 SCC 78* and take necessary steps to issue notices to the respective parties and upon their appearance, refer the matter before the learned Mediator of the District Mediation Centre by fixing a date for appearance of the parties to give effect to “Mediation for the Nation 2.0”, so that the parties may buy peace of mind and maintain peace in their village instead of fighting.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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