

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28729 of 2023

Arising Out of PS. Case No.-288 Year-2018 Thana- NAWADA District- Nawada

=====

Pankaj Yadav @ Pankaj Kumar, Son of Naresh Yadav @ Naresh Prasad,
Resident of village - Lohani Bigha, P.S.- Nawada, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Nawada Town P.S. Case No. 288 of 2018 dated 07.05.2018
registered for the offences punishable under Sections 147, 148,
149, 447, 448, 341, 323, 427, 307, 379, 504 of the Indian Penal
Code and Section 27 of Arms Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that in the present matter the FIR
was lodged seven days after the commission of the alleged
occurrence and there is a case and counter case in between the
parties and as per allegation made in the FIR the co-accused
Naresh Yadav inflicted a *garasa* blow at the head of informant,
who is stated to be the main injured of this case and the said co-



accused has been granted anticipatory bail by a co-ordinate Bench of this court vide order passed in Cr. Misc. No. 55871 of 2018 and two other co-accused persons namely, Sanni Yadav and Rahul Yadav have also been granted anticipatory bail by different Benches of this court vide orders passed in Cr. Misc. No. 73145 of 2018 and Cr. Misc. No. 593 of 2019 respectively. Further submissions are that as per the FIR the petitioner allegedly fired at the informant which caused injury at his leg but the said allegation is completely false and in this regard the injury report of the informant has been filed vide Annexure-2 which shows only one lacerated wound in the size of 1" x 1/2" x 1/2" and the same has been opined to be caused by hard and blunt substance and the same is sufficient to falsify the allegation concerned to this petitioner. Further submissions are that against the petitioner there is criminal antecedent of one case in which he is on bail and he himself surrendered before the court below and he has been languishing in jail since 20.03.2023 and both the parties are agnates and in between them there are several litigations running regarding partition dispute.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the



facts that there is a case and counter case in between both the parties and petitioner himself surrendered before the court below and both the parties are agnates and in between them there are several litigations running regarding partition dispute and similarly situated co-accused persons have been granted anticipatory bail as mentioned above, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Nawada Town P.S. Case No. 288 of 2018 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Rajiv/-

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

