

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46248 of 2023

Arising Out of PS. Case No.-681 Year-2022 Thana- HARNAUT District- Nalanda

1. NITISH YADAV @ NITISH KUMAR S/O RAJO YADAV R/O VILLAGE- BIRAMPUR, PS. HARNAUT, DIST. NALANDA
2. BIPIN YADAV S/O RAJO YADAV R/O VILLAGE- BIRAMPUR, PS. HARNAUT, DIST. NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prince Kumar Mishra, Advocate. Mr. Vikash Kumar Jha, Advocate.
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2023 Heard Mr. Prince Kumar Mishra, learned counsel along with Mr. Vikash Kumar Jha, learned counsel appearing on behalf of the petitioners and Mr. Vinod Shanker Modi, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Harnaut P.S. Case No. 681 of 2022 registered for the offence punishable under Sections 147, 148, 149, 307 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution story, in brief, is that on the secret information, the informant along with other police personnel reached at village Virampur and heard sound of firing. Seeing the police party, some people started running here and there and



managed to escape. The Chaukidar identified the persons who had allegedly managed to flee away along with other accused persons. One empty cartridge and two pellets were recovered from the place of occurrence.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have been falsely implicated in the case. The petitioners have been named in the F.I.R. by the chaukidar at the insistence of the informant who is a police officer due to enmity. Petitioners who are full brothers have two antecedents and they have been named in these two cases by the co-accused due to enmity. Nothing incriminating has been recovered from the conscious physical possession of the petitioners. He further submits that other co-accused named in the F.I.R. have been granted bail by the court below.

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

6. Having heard the rival submissions as well as the allegation made in the F.I.R. which is based on the name disclosed by the chaukidar of the village who is on inimical terms with the petitioners, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their



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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 681 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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