

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47911 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- ROH District- Nawada

Shalo Yadav @ Shailendra Kumar @ Shailendra Yadav, Son of Mishri Yadav
Resident of village - Mahkar, P.S.- Roh, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Advocate
For the informant	:	Mr. Birendra Kumar, Advocate
For the State	:	Mr. Shahabuddin Azeem @ S. Azeem, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-04-2023 Heard Arjun Prasad, learned counsel appearing on behalf of the petitioner, Mr. Birendra Kumar, learned counsel appearing on behalf of informant and Shahabuddin Azeem @ S. Azeem, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Roh P.S. Case No. 30 of 2021, registered under Sections 147, 148, 149, 323, 341, 307, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that petitioner along with 11 accused persons named in the F.I.R. assaulted the husband of the informant. The specific allegation against the petitioner is that he had fired. The informant is the eye-witness



of the occurrence.

4. Learned counsel appearing on behalf of the petitioner submitted that there is long standing enmity between the parties. He further submitted that both the parties have filed several cases. He further submitted that informant is not the eye-witness of the occurrence and she was not present on the place of occurrence. The petitioner, in his self defence, had no alternative than to protect his life. Some injury may have been caused to the husband of the informant. The informant is not the eye-witness. The allegation made in the F.I.R. is not sustainable against the petitioner. There is case and counter case between the parties due to land dispute.

5. Learned counsel appearing on behalf of informant informs this Court that the antecedent of the petitioner is not good and several cases are pending against him. The informant, who is the wife of the victim, is the eye-witness of the occurrence. In these circumstances, it would not be proper to enlarge the petitioner on pre-arrest bail.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having heard the rival submissions of the parties, the allegation made in the F.I.R. it appears that there is



case and counter case between the parties due to land dispute, both parties have lodged several cases against each other. The place of occurrence is near *Gudhera Ahar*. From perusal of the case diary, it appears that Investigating Officer has not mentioned the place of occurrence. It is admitted fact that occurrence took place near new house of the informant, however, from the allegation made in the F.I.R. it appears that place of occurrence is *Gudhera Ahar* . The assault which has been sustained by the husband of the informant may be in self defence. The petitioner has made out a case to be released on pre-arrest bail.

8. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned 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 Judicial Magistrate, 1st Class, Nawada in connection with Roh P.S. Case No. 30 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. The court below 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 paragraph No.3 of the bail application, this
order will automatically loose its force.

(Purnendu Singh, J)

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