

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57964 of 2023

Arising Out of PS. Case No.-804 Year-2022 Thana- JAHANABAD District- Jehanabad

Mahesh Yadav, aged about 33 years, gender Male, Son Of Surajdeo Yadav,
Resident Of Village Amirganj, P.S. Jehanabad+ District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-10-2023 Heard Mr. Nitya Nand Neeraj, learned counsel

appearing on behalf of the petitioner and Ms. Gulnar Begum,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Jehanabad (Kalpa O.P.) P.S. Case No. 804 of 2022 dated
23.08.2022 registered for the offence punishable under Sections
147, 149, 323, 307, 379 and 506 of the Indian Penal Code.

3. Prosecution story, in brief, is that on 10.08.2022,
when the informant was sitting at his door, petitioner along with
other co-accused persons came armed with *lathi*, *khanti*, iron
rod and rifle and had started assaulting the informant. Petitioner
and one co-accused, namely, Tekan Yadav had assaulted the
informant by means of butt of rifle, due to which, he sustained
6-7 injuries on his head.



4. Learned counsel appearing on behalf of the petitioner submitted that allegation against the petitioner is not specific, as to whether, petitioner is the one, who had assaulted the informant with the butt of the rifle. Similar allegation has been made in the FIR against one Tekan Yadav, who has been released on bail by the learned Court below. Petitioner has clean antecedent. Petitioner seeks parity to be released on bail on account of similar allegation.

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

6. Considering the nature of allegation made against the petitioner and the allegation being not specific, as to whether, it is the petitioner, who has injured the informant with the butt of the rifle and on the basis of doubt, the other co-accused, namely, Tekan Yadav, against whom similar allegation was made has been released on bail by the learned District & Sessions Judge, Jehanabad vide order dated 01.05.2023. Petitioner has clean antecedent. I am of the opinion that 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad, in connection with Jehanabad (Kalpa O.P.) P.S. Case No. 804 of 2022 dated 23.08.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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