

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64613 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- PURAINI District- Madhepura

1. Hital Yadav @ Hitlar Yadav Son of Ram Narayan Yadav @ Ram Nagina Yadav R/V- Sapardah, Ward No. 6, P.S- Puraini, Dist- Madhepura
2. Ram Lakhan Yadav Son of Late krit Narayan Yadav R/V- Sapardah, Ward No. 6, P.S- Puraini, Dist- Madhepura
3. Ram Nagina Yadav Son of Late Krit Narayan Yadav R/V- Sapardah, Ward No. 6, P.S- Puraini, Dist- Madhepura
4. Sachchidanand Yadav Son of Late Krit Narayan Yadav R/V- Sapardah, Ward No. 6, P.S- Puraini, Dist- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-05-2023 Heard Dr. Sanjay Kumar Singh, learned counsel appearing on behalf of the petitioners and Ms. Renu Kumar, learned A.P.P. for the State.

2. Learned counsel appearing on behalf of petitioners seeks permission to withdraw the application filed on behalf of petitioners no. 3 and 4, namely, Ram Nagina Yadav and Sachchidanand Yadav as they have been arrested during the pendency of this bail application.

3. In view of the above submissions, the pre-arrest bail application filed on behalf of petitioners no. 3 and 4, namely, Ram Nagina Yadav and Sachchidanand Yadav is



dismissed as withdrawn.

4. The petitioners No. 1 and 2, namely, Hital Yadav @ Hitlar Yadav and Ram Lakhan Yadav apprehend their arrest in connection with Puraini P.S. Case No. 167 of 2022, dated 14.08.2022, registered under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

5. The prosecution case, in brief, is that both sides engaged in firefight and both the side sustained injuries. The allegation leveled against the petitioner no.1 Hital Yadav @ Hitlar Yadav is that he had caught hold the informant and petitioner No.2 Ram Lakhan Yadav had assaulted on the head of the victims Ram Swarath Yadav and Manish Kumar.

6. Learned counsel appearing on behalf of the petitioners No.1 and 2 submitted that there is general and omnibus allegation against the petitioners. He further submitted that there is case and counter case and in self defence, the petitioners may have injured some persons, including the informant, without any intention. The petitioners no.1 and 2 have no criminal antecedent.

7. Mr. Rajnish Kumar, learned counsel appearing on behalf of informant submitted that the allegation against the petitioners are cognizable in nature and the informant is the



eye-witness of the occurrence. The petitioners do not deserve to be released on bail.

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

9. Considering the nature of allegation made in the F.I.R. as well as the fact that petitioner no.1 had caught hold the informant, but there is no allegation that he has assaulted the informant. Admittedly, both sides have assaulted each other. The allegation against the petitioner no.2 is general and omnibus. Prima facie the petitioners No. 1 and 2, namely, Hital Yadav @ Hitlar Yadav and Ram Lakhan Yadav have made out a case to be released on pre-arrest bail.

10. Court below is directed to release the petitioners No. 1 and 2, namely, Hital Yadav @ Hitlar Yadav and Ram Lakhan Yadav on pre-arrest bail, in the event of their 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, m Udakishunganj, Madhepura in connection with Puraini P.S. Case No. 167 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



11. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are 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)

manish/-

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

