

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70071 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- ALOULI District- Khagaria

JARMAN YADAV, aged about 37 years, Male, SON OF UPENDRA YADAV
R/O VILLAGE- ALAULI WARD No.04, P.S.- ALAULI, DISTRICT-
KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Viveka Nandsingh, learned counsel
appearing on behalf of the petitioner and Mr. Awadhesh Kumar
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Alauli P.S. Case No. 127 of 2023 dated 25.03.2023
registered for the offence(s) punishable under Sections 341, 342,
354(B), 379, 504, 506, 509, 308/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner and other co-accused persons, named in the FIR, had
assaulted the informant and her husband and there is specific
allegation against the petitioner of threatening the informant at
the point of three nut and assaulting on her right hand by means
of *lathi*.

4. Learned counsel appearing on behalf of the



petitioner submitted that no recovery of any arms has been made from the possession of the petitioner rather the petitioner has been made accused in a false case due to enmity, while he was not present at the spot. It is further submitted that though petitioner has criminal antecedent of one case but he is on bail in the said case.

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

6. Having considered the rival submissions made on behalf of the parties as well as the fact that there is no allegation against petitioner that he has assaulted the informant with firearm or he has threatened her at the point of pistol rather allegation is that he had threatened the informant with the use of three nut and assaulted on her right hand, which is not on the vital part of the body, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in



connection with Alauli P.S. Case No. 127 of 2023, subject to the conditions 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 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 lose its force.

(Purnendu Singh, J)

Sanjay/-

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