

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48189 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- RAHUI District- Nalanda

Chandan Kumar @ Chandan Yadav Son of Sanjay Yadav Resident Of Village
- Nijay, P.S. - Rahui, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-07-2024 Heard Mr. Pankaj Kumar, learned counsel for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Rahui P.S. Case No. 31 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant and his brother were on their outhouse, they heard some sound of scuffle. When they reached to the place, they saw that his elder brother Rishikesh Yadav @ Tantan Yadav was being assaulted by Bipin Yadav and Bhola Yadav. When the informant and his brother went to his rescue, then all the accused persons, including the petitioner, brutally assaulted them by means of iron rod. It is further



alleged that in course of scuffle co-accused Bipin Yadav took out a pistol from his waist and fired, due to which brother of the informant sustained firearm injury.

4. Learned Advocate for the petitioners contended that for the same occurrence, three F.I.Rs. have been instituted. One by the informant, another by the police and third by the petitioners' side. All the FIRs allege different versions. Moreover, there is counter version being Rahui P.S. Case No. 32 of 2024. Referring to the FIR, it is also contended that there is no specific allegation of any overt act against the petitioner barring the petitioner is said to be a member of the mob. Taking note of the aforesaid facts, other co-accused persons have been allowed the privilege of anticipatory bail by this Court vide order dated 30.05.2024 passed in Cr. Misc. No. 35021 of 2024. It is lastly contended that though the petitioner is carrying three criminal antecedent but one of the cases is arising out of the same occurrence. Moreover, the other cases are on account of village politics and the petitioner is on bail in all the three cases.

5. On the other hand, learned APP for the State opposed the bail application and submitted that the petitioner appears to be a habitual offender.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of allegation, coupled with the fact that there is case and counter case between the parties and the delay in dispatching the FIR as also the fact that the case of the petitioner is based on parity, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-II, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 31 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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