

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60442 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- PAKARIBARAW District- Nawada

Nitish Kumar @ Nitish Yadav Son Of Pradeep Yadav Resident Of Village -
Budhauri, P.S. - Pakribarawan, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
		Mr. Jay Prakash Singh, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-10-2024 Heard the learned Advocate for the petitioner, the

learned APP for the State as well as the learned Advocate for the

informant.

2. The petitioner apprehends his arrest in connection
with Pakribarawan P.S. Case No. 231 of 2024, registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
326, 307, 448, 504, 506, 379 and 354(B) of the Indian Penal
Code and Sections 25(1-B)(a), 26, 35 and 27 of the Arms Act.

3. In course of a dispute, as has arisen between the
children of both the sides, the petitioner along with *Arvind*
Yadav and *Jaykaran Yadav* armed with pistol came there and
started abusing and assaulting. The allegation against the
petitioner is of causing firearm injury below the right leg of
informant's brother *Uttam Singh*. There is further allegation



against other co-accused person of causing assault.

4. Learned Advocate for the petitioner contended that the narratives made in the FIR clearly suggest that on account of a trifle, both the parties have entered in a free fight and unfortunately, the brother of the informant has sustained injury, which is not on account of firing, but only in order to implicate the name of the petitioner, it has shown that he sustained injury due to firearm. It is next contended that even if for the sake of argument it is accepted that the brother of the informant has sustained firearm injury, the same has been found to be simple in nature. It is also the contention of the petitioner that both the parties are co-villagers and only on account of enmity, the petitioner has been named in the case. However, the petitioner undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State as well as the informant opposed the pre-arrest bail application and submits that the brother of the informant was fortunate enough that he has sustained firearm injury just below the knee. Had it been hit on a vital part, he might be lend in trouble. It is next contended that one of the co-accused person, namely, *Jaykaran Yadav* has been granted the privilege of



regular bail by this Court and the petitioner also deserves the same treatment.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of causing firearm injury to the brother of the informant, though below the knee, this Court is not persuaded to accede the prayer for anticipatory bail and accordingly, the prayer for anticipatory bail stands rejected.

7. However, the petitioner shall be at liberty to surrender before the jurisdictional Court and seek a regular bail in the light of the fact that co-accused person has been granted the privilege of regular bail and the injury being found to be simple in nature.

8. The application stands dismissed with the aforesaid observation.

(Harish Kumar, J)

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