

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64260 of 2024

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

Arvind Yadav, son of Parmeshwar Yadav, Village- Budhauli, P.S-
Pakribarawan, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, Advocate
For the Informant	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 29-11-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State as well as 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, 354(B) of the Indian Penal Code
and Sections 25(1-b)(A), 26, 35 and 27 of the Arms Act.

3. Based upon the written report the prosecution
alleges that on account of some dispute as has arisen between
the children of both the sides, all the 15 FIR named accused
persons including the petitioner and 10 unknown persons barged
into the house of the informant armed with weapons, started
assaulting the family members. It is specifically alleged that this
petitioner has pointed pistol over the chest and in the mean time,



when the uncle of the informant came to his rescue, co-accused Nitish Kumar fired upon the brother of the informant, due to which he sustained fire arm injury in his right knee. There is further allegation against other co-accused persons of causing assault.

4. Learned Advocate appearing on behalf of the petitioner submits that even as per the narrations made in the FIR, there is no allegation as against the petitioner that he pointed the pistol towards whom. So far the allegation of causing assault to the informant and others are concerned, the same has not been attributed to the petitioner, rather against other co-accused persons. Even the injuries sustained to the family members of the informants are found to be simple in nature, the copies of the injury report have been placed on record by filing a supplementary affidavit. It is lastly contended that in fact, on account of a dispute, all the family members have been implicated in this case. Moreover, the petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State and the informant opposed the pre-arrest bail application and submit that apart from the specific allegation that the petitioner was having a pistol in his hand and actively participated in the crime, it is submitted that co-accused persons have been allowed



the privilege of only regular bail.

6. So far the contention of the informant that Jaikaram Yadav has been granted regular bail, does not persuade this Court; on account of the fact that only he was apprehended by the police, other cannot be allowed bail in anticipation of his arrest.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation vis-a-vis the injury report and the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nawada in connection with Pakribarawan P.S. Case No. 231 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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