

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80619 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- MAHKAR District- Gaya

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PANKAJ YADAV @ PANKAJ KUMAR SON OF LATE KAIL YADAV @
KAILU YADAV @ VISHESAR SINGH RESIDENT OF VILLAGE -
KASIBIGHA , P.S. NIMCHAK BATHANI, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. Upendra Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Pawan Kumar

Chaurasia, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mahkar P.S. Case No. 127 of 2022 dated 13.12.2022
registered for the offence(s) punishable under Sections 147, 149,
341, 323, 379, 307, 504 and 506 of the Indian Penal Code.

3. As per the allegation, FIR named accused persons
including the petitioner have assaulted the informant by means
of rod, *lathi* and *danda* on his head, as a result of which, he
sustained head injury.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and there is no



role of the petitioner in the alleged incidence, rather the petitioner was invited by both the parties for resolving the dispute. Petitioner resides in other village and in this regard, a specific statement has been made in paragraph no.9 of the bail petition. It is further submitted that similarly situated co-accused, Akhalesh Yadav @ Akhalesh Kumar, Lalu Yadav @ Mukesh Kumar and Soni Devi @ Soni Kumari have been granted bail by a co-ordinate Bench of this Court vide order dated 01.08.2023 passed in Cr. Misc. No.38061 of 2023. Petitioner has clean antecedent.

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

6. Considering the nature of allegation as well as the facts that petitioner has clean antecedent, 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 A.C.J.M- I, Gaya in connection with



Mahkar P.S. Case No. 127 of 2022, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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