

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.526 of 2024

Arising Out of PS. Case No.-9 Year-2019 Thana- ATRI District- Gaya

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1. Jitendra Yadav @ Jitendra Kumar (M) aged about 40 years, Son Of Arjun Yadav @ Arjun Prasad
 2. Pintu Yadav @ Pintu Kumar (M) aged about 19 years, Son Of Balchand Yadav both resident of village- Bara P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-04-2024 Heard Mr. Prithivi Raj Singh, learned counsel appearing on behalf of the petitioners and Mr. Nitya Nand Tiwary, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Atri P.S. Case No. 09 of 2019, registered for the offence punishable under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, informant and the petitioners including the other accused persons named in the FIR had assembled to participate in the voting of election of Ward Secretary, in which, due to political rivalry, both the parties had entered into fierce fight.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. There is case and counter case between the parties. Petitioners, in their self defence, may have caused injuries to the informant without any intention. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that there is case and counter case between the parties. Petitioners, in their self defence, may have caused injuries to the informant without any intention. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 13th, Gaya ,



in connection with Atri P.S. Case No. 09 of 2019, subject to the condition 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 petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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