

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1378 of 2024**

Arising Out of PS. Case No.-171 Year-2022 Thana- TELHARA District- Nalanda

Shiva Yadav @ Ramsiya Yadav S/O Late Lal Yadav @ Dular Chand Prasad  
R/O Village- Ghana Bigha Tola Gajjobag, P.S- Telhara, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      31-01-2024                      Heard Mr. Anil Kumar Singh, learned counsel  
appearing on behalf of the petitioner and Mr. Ajit Kumar,  
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection  
with Telhara P.S. Case No.171 of 2022 registered under Section  
147, 148, 149, 341, 323, 307 of the Indian Penal Code read with  
Section 27 of the Arms Act.

3. As per the allegation made in the FIR, it is alleged  
that one Navin Kumar was assaulting the informant's nephew,  
when the informant along with his son tried to pacify dispute  
then the petitioner and the co-accused persons armed with *lathi*  
and *danda* assaulted them. Due to that both of them sustained  
injuries on their heads. Thereafter, the co-accused fired from his  
pistol due to which one co-villager of the informant namely

Shailendra Mistri sustained injury on his thigh.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case. The injury sustained by the informant is on the non-vital part of his body. The petitioner has no criminal antecedent. A general and omnibus allegation has been made against the petitioner. The other co-accused person has been granted bail by the Co-ordinate Bench of this Court vide order dated 15.01.2024 in Cr. Misc. No.78080 of 2023.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submits that the injury is grievous in nature.

6. Considering the rival submission made on behalf of the parties, as well as, the fact that one Kamlesh Prasad @ Kamlesh Yadav, against whom similar allegation of assaulting the informant on his head is there, has already been granted bail by the Co-ordinate Bench of this Court vide order dated 15.01.2024 in Cr. Misc. No.78080 of 2023. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four

weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Telhara P.S. Case No.171 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Purnendu Singh, J.)**

Ashishsingh/-

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