

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28731 of 2025

Arising Out of PS. Case No.-32 Year-2024 Thana- AKBARPUR District- Nawada

Nawin Yadav S/o Vijay Yadav R/o Village- Kundilpur (Bandarkole), P.S.-
Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Birendra Kumar, Advocate
For the State	:	Mr. Prem Kumar Jha, APP
For the Informant	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-07-2025 Heard learned senior counsel for the petitioner,

learned A.P.P. for the State and learned counsel appearing on

behalf of the informant.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 295, 323, 307,
354B, 452, 436, 376, 511, 504 and 506 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per prosecution case, on 25.02.2023 at about
2:00 PM, mother-in-law of informant was brutally assaulted by
all the accused persons for which Akbarpur P.S. Case No. 129 of
2023 was lodged. It is further alleged that again on 26.02.2023
at 10:00 PM, all the accused persons, including this petitioner,
armed with gun, pistol, *lathi*, *gada* and iron rod, surrounded



the house of the informant and thereafter, this petitioner entered into the house of the informant and tried to commit rape with informant and tore her blouse and co-accused Kaushal Yadav started teasing the informant's sister-in-law and thereafter, all the accused persons set the house of the informant on fire due to which 1000 bundle of straw including bed, goat and paddy valued Rs. 15,000/- were burnt. It is further alleged that in the meantime, co-accused Rajesh Yadav damaged the idol of Goddess Durga and calendar and thereafter, accused persons fled away .

4. It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. As a matter of fact, both parties are *gotias* and next door neighbour and there is pending land dispute between the parties due to which series of litigation are pending between them. Police after investigation submitted charge-sheet under Sections 147, 148, 149, 323, 354B, 452, 436, 504 and 506 of the Indian Penal Code which shows that neither any fire arm injury nor any other injury was found in course of investigation. It is further submitted that the alleged occurrence took place on 26.02.2023 in the night but Complaint Case No. 244 of 2023 was lodged in the Court below on 27.03.2023, i.e., after delay of



one month and the instant F.I.R. was lodged on 29.01.2024 for which there is no plausible explanation which itself creates doubt over the entire prosecution. It is further submitted that similarly situated co-accused persons have already been granted bail by this Hon'ble Court vide order dated 09.05.2025 passed in Cr. Misc. No. 6102 of 2025 and order dated 27.06.2025 passed in Cr. Misc. No. 24761 of 2025. Petitioner is in custody since 02.01.2025.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, claim based on parity and period of custody, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 32 of 2024.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

