

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84751 of 2025

Arising Out of PS. Case No.-322 Year-2023 Thana- SURYAGARHA District- Lakhisarai

Polo Yadav @ Parvesh Yadav, S/O Late Dashrath Yadav, Resident of
Nawabganj, P.S- Surajgarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-12-2025 Heard learned Advocate appearing on behalf of the
petitioner and the learned Additional Public Prosecutor for the
State.

2. The petitioner apprehends his arrest in connection
with Suryagarha/Surajgarha P.S. Case No. 322 of 2023,
registered for the offences punishable under Sections 448, 379,
427, 307, 386, 387, 506 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Allegedly on the fateful day, while the informant
alongwith one Sanjay Yadav was sitting in his chimney office,
in the meanwhile, the FIR named accused persons including the
petitioner entered in the campus and started indiscriminate firing
and threatened with dire consequences and demanded extortion
of Rs. 50,000/-. It is also alleged that earlier the petitioner



alongwith others have destroyed the crops of the informant, the cost of which came to Rs. 50,000/-.

4. Learned Advocate appearing on behalf of the petitioner referring to the FIR contended that there is a specific allegation against the petitioner that he was having *khanti* in his hand, however, the allegation of firing is led against other accused persons. Moreover, the police during the course of investigation collected no material which suggested that any firing took place. So far the allegation with respect to the earlier occurrence took place on 07.09.2023 is concerned, for the said occurrence no FIR has been instituted. He further contended that in fact there has been a business rivalry, due to which the name of the petitioner has been implicated in this case. To support the aforesaid contention, the copy of the agreement has been placed on record as Annexure P/2.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the petitioner bears six criminal antecedent and there is a specific allegation of participation in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation against the petitioner *qua* the fact that none has sustained any



injury as also the genesis of occurrence of business rivalry between the parties, coupled with the mandate that mere criminal antecedent of a person cannot be the sole ground to refuse the prayer for bail, unless there is cogent materials collected during the course of investigation, 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 Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha/Surajgarha P.S. Case No. 322 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 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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