

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87802 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- PAKARIBARAW District- Nawada

Nitish Kumar @ Nitish Yadav Son of Pradeep Yadav Resident of Village -
Budholi, P.S. - Pakribarawan, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rohit Kumar, Adv.
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Vipin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Pakribarawan P.S. Case No. 231 of 2024, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 326, 307, 448, 504, 506, 379 and 354(B) of the Indian Penal Code and Sections 25(1-B)(a), 26, 35 and 27 of the Arms Act, 1959.

3. In course of a dispute, as has arisen between the children of both the sides, the petitioner along with *Arvind Yadav* and *Jaykaran Yadav* armed with pistol came there and started abusing and assaulting. There is specific allegation against the petitioner is of causing firearm injury below the right leg of informant's brother *Uttam Singh*.



4. Learned Advocate for the petitioner contended that the narratives made in the FIR clearly suggest that there was a free fight, on account of a trifle, but unfortunately, the brother of the informant has sustained injury, which is later on found to be simple in nature, as would be evident from the impugned order. It is further contended that other co-accused persons, who have also accompanied the petitioner, they have been allowed anticipatory bail as well as regular bail by this court, the copy of which has been marked as Annexure-4. Learned Advocate for the petitioner further contended that earlier, the petitioner had come before this Court for grant of anticipatory bail, however, when the same has been negated by this Court, he immediately surrendered and prayed for regular bail, in terms of the direction of this Court and now the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State and the learned Advocate for the informant vehemently opposes the bail application and submits that be that as it may the injury is found to be simple in nature, but it cannot be denied that it has been caused by firearm, i.e., dangerous weapon. The brother of the informant was fortunate enough that the bullet hit on the leg, if the same would hit on any vital part, that may be fatal for



his life.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the crime, coupled with the case and counter case and the injury being simple in nature, as also the petitioner is a man of fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-III, Nawada in connection with Pakribarawan P.S. Case No. 231 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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