

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66347 of 2018

Arising Out of PS. Case No.-516 Year-2018 Thana- KHAGARIA District- Khagaria

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1. Rekha Devi @ Rakha Kumari, Wife of Arun Yadav @ Arun Kumar,
 2. Arun Yadav @ Arun Kumar, Son of Yugeshwar Yadav, Both are resident of Village- Koshi College Road, Home-guard Chawk, Ward No. 15, P.S.- Khagaria (Chitragupt Nagar), District- Khagaria.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Pankaj Kumar, Advocate.
For the Opposite Party : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 307 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 26.07.2018 at 2-2.30 P.M., the informant was going to *Honey Restaurant* and as soon as he reached near Home Guards Office, he saw a crowd, heard sound of firing, felt clinking in his hand and sustained firearm injury on his left hand. He saw that the petitioner no. 2 Arun Yadav and his son were firing from their roof which hit on his hand. It is further alleged that on the roof



of the petitioner no. 1 Rekha Devi, Naveen Yadav armed with weapon and 3-4 unknown persons were also present.

It has been submitted by learned counsel for the petitioners that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter-case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Khagaria, in connection with Khagaria (Chitragupt) Nagar) P.S. Case No. 516 of 2018, G.R. No. 2074 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Sudhir Singh, J)

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