

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14496 of 2019

Arising Out of PS. Case No.-308 Year-2018 Thana- GOGRI District- Khagaria

1. LALLU YADAV @ LALO YADAV Son of Anirudh Yadav Resident of Village - Baritha, P.S.- Gogri, Distt.- Khagaria.
2. Sallu Yadav @ Salo Yadav Son of Anirudh Yadav Resident of Village - Baritha, P.S.- Gogri, Distt.- Khagaria.
3. Rabin Yadav Son of Late Jaldhari Yadav Resident of Village - Baritha, P.S.- Gogri, Distt.- Khagaria.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Binod Kumar, Advocate.
For the State	:	Dr. Indihar Kumari, A.P.P.
For the Informant	:	Mr. Mritunjay Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 18-06-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Gogri P.S. Case No.308 of 2018/G.R. No.2552 of 2018 registered under Sections 307, 326 and 120B/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is of making firing by the six persons, named in the F.I.R., including the petitioners at Murari Yadav, the son of the informant Parichhan Yadav.

Learned counsel for the petitioners submits that the



informant is not an eye witness to the occurrence rather he came to know about the manner of occurrence by his son Murari Yadav. Moreover, the injured Murari Yadav, in his statement, as detailed in paragraph-36 of the case diary, while has stated about the presence of all the accused including the petitioners but he has specifically stated about making firing at him by B.P. Yadav, Lallu Yadav (petitioner no.1) and Sipahi Yadav, whereas he has not stated about any specific overt act against the petitioner nos.2 and 3. In fact, the petitioner nos.2 and 3 are Gotiyas of the informant, due to that reason, the petitioner nos.2 and 3 have also been implicated in this case.

Having considered the facts and the circumstances of the case and the direct allegation against the petitioner no.1 Lallu Yadav alias Lalo Yadav, I am not inclined to grant him the privilege of pre-arrest bail. Accordingly, the prayer of the petitioner no.1 Lallu Yadav alias Lalo Yadav for grant of privilege of pre-arrest stands rejected.

So far as the the petitioner nos.2 and 3, above named, are concerned, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of



the Chief Judicial Magistrate, Khagaria, in connection with
Gogri P.S. Case No.308 of 2018/G.R. No.2552 of 2018, subject
to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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

