

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59004 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- TIKAPATTI District- Purnia

1. ANJO DEVI @ ANJU DEVI, aged about 30 years, Female, Wife of Lal Bihari Yadav, Resident of Village - Dhushar, P.S.- Tikapatti, District- Purnia
2. Lal Bihari Yadav, aged about 35 years, Male, Son of Surendra Prasad Yadav, Resident of Village - Dhushar, P.S.- Tikapatti, District- Purnia

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Mukesh Kumar Jha, Adv.

For the Opposite Party : Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 18-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Tikapatti P.S. Case No. 77 of 2019 for the offences alleged under Sections 414 of the Indian Penal Code and 25(1-b)A, 26 and 35 of the Arms Act

The accusation is that on receiving secret information about keeping arms and ammunitions by Lal Bihari Yadav (petitioner no. 2) at his house, the informant, along with other police personnel, reached there. In course of the raid, taking the advantage of the darkness, petitioner no. 2, Lal Bihari Yadav, succeeded to flee away. In course of search, Anjo Devi, petitioner no. 1, wife of petitioner no. 2, made protest. In spite



of that search was made. At that time, a bag was opened from which country made pistol, one toy gun, six live cartridge, 25 empty cartridges, a mobile of Lava company, recovered.

The learned counsel appearing for the petitioners submits that petitioner no. 1, Anjo Devi @ Anju Devi, who is wife of petitioner no. 2, Lal Bihari Yadav, has falsely been implicated in this case, being the wife of petitioner no. 2. She has no criminal antecedent. Further, submission is that petitioner no. 2, Lal Bihari Yadav, was not apprehended from his house, which would appear from the first information report.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner no. 1, Anjo Devi @ Anju Devi, in the event of surrender/arrest, within a period of four weeks from today, in connection with Tikapatti P.S. Case No. 77 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Purnea, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

However, considering the nature of allegation against



petitioner no. 2, Lal Bihari Yadav, his prayer for pre-arrest bail is **rejected**. He is directed to surrender before the Court below and seek regular bail, which would be considered on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

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