

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3946 of 2020

Arising Out of PS. Case No.-361 Year-2019 Thana- GOGRI District- Khagaria

1. Gaurav Kumar Son of Vilas Yadav Resident of Village- Fudkichak, P.S.- Gogri, District- Khagaria.
2. Sanoj Yadav @ Sanoj Kumar Son of Banarasi Yadav Resident of Village- Fudkichak, P.S.- Gogri, District- Khagaria.
3. Vikash Kumar @ Bikash Kumar @ Vikky Yadav @ Vikash Yadav @ Vikky Son of Vilas Yadav Resident of Village- Fudkichak, P.S.- Gogri, District- Khagaria.
4. Suman Kumar Son of Nandlal Yadav Resident of Village- Taufir, P.S.- Khagaria Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2020 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in **Gogri P.S. Case No. 361 of 2019**, registered for the offence punishable under Sections 147, 148, 149, 307, 302, 504, 506 and 120B of the Indian Penal Code and section 27 of the Arms Act.

As per the F.I.R, on 19.10.2019 while the informant along with her husband waiting for autorickshaw to go to Jamalpur for medical treatment of her sister-in-law (Nanad), all the accused persons variously armed by making unlawful



assembly surrounded the informant and her husband. Thereafter, on the order of co-accused Khekho Yadav and Vilas Yadav, co-accused Kusho Yadav fired upon the husband of informant, as a result of which he succumbed to the fire-arm injury.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. From the FIR, it appears that specific allegation of firing is against co-accused Kusho Yadav. There is general and omnibus allegation of indiscriminate firing against these petitioners. Petitioners are alleged to be members of the unlawful assembly. Petitioner no. 1, 2 and 4 are in custody since 21.10.2019 and petitioner no. 3 is in custody since 24.10.2019.

Considering the facts aforesaid and the fact that petitioners are alleged to be the members of unlawful assembly and there is general and omnibus allegation against these petitioners, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial Magistrate, Khagaria** in connection with **Gogri P.S. Case No. 361 of 2019**, subject to the following conditions:-

- (i) The petitioners shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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