

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61446 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- GOGRI District- Khagaria

1. Bablu Yadav 2. Dablu Yadav 3. Parsuram Yadav All sons of Shiya Yadav, R/o village- Paura, P.S.- Gogri (Paura), District- Khagaria	Versus	 Petitioner/s
The State Of Bihar		 Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Binod Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-01-2020 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

The petitioners in this case are seeking anticipatory
bail in connection with Gogri (Paura) P.S. Case No.232 of 2019
registered for the offences punishable under Sections 147, 148,
149, 302, 307 and 506 of the Indian Penal Code and Section 27
of the Arms Act.

Learned counsel for the petitioners submits that
although the petitioners have been named as the members of the
mob who had gone to the house of the uncle of the deceased, but
in course of investigation no witness has alleged that these
petitioners had committed any act much less any overt act and



the general allegation of indiscriminate firing has not been substantiated as only two firearm shots were found on the body of the deceased and those have been specifically attributed to the co-accused Mukesh Yadav and Kishori Yadav as also co-accused Amit Yadav. It is further submitted that so far as these petitioners are concerned, they have been falsely implicated, there is no allegation of either firing or in any way helping the assailants. The father and wife of the assailants have specifically named the co-accused who had fired on the deceased.

Learned APP for the State as well as learned counsel for the informant have after going through the case diary submitted that in the case diary the persons who have allegedly fired have been named by the father and wife of the deceased as also independent witness, but so far as these petitioners are concerned, nobody has said that they had made any firing.

Considering the facts and circumstances of the case wherein these petitioners having no criminal antecedent have been made accused in this case, but there is no allegation of firing against them and in course of investigation the wife and father of the deceased have named the co-accused as stated above as the persons who had fired and the allegation of indiscriminate firing has not been substantiated from the place



of occurrence, let the petitioners in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri (Paura) P.S. Case No.232 of 2019, corresponding to G.R.No.2000/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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