

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53660 of 2021

Arising Out of PS. Case No.-118 Year-2021 Thana- GOGRI District- Khagaria

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1. FULO YADAV Son of Late Bageshwar Yadav
2. Rupesh Yadav Son of Fulo Yadav
3. Anjani Devi wife of Rupesh Yadav
All are Resident of Village - Shergrdh, P.S. - Gogri, Dist. - Khagaria.
... .. Petitioner/s
- Versus
- The State of Bihar
... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 435, 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners have antecedent of one case.

The informant alleges that on 19.03.2021 all the seven named accused persons including the petitioners started constructing the hut on the private plot of the informant on which the informant objected thereafter co-accused Yogendra Yadav ordered to assault the informant and to kill in the same



manner as the two brothers of the informant were earlier killed. Mukesh Yadav and Rupesh Yadav fired in air to cause fear and Fullo Yadav set the hut on fire on the order of Yogendra Yadav.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that as far as allegation under the Arms Act is concerned, the same is ornamental in nature only to give serious colour to the case. It is next submitted that all the sections of the Indian Penal Code areailable except Section 27 of the Arms Act under which no offence prima facie is made out as no empty cartridges were found from the place of occurrence nor any injury was caused to any member of the prosecution party.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with Gogri
P.S. Case No. 118 of 2021, subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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