

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68148 of 2023

Arising Out of PS. Case No.-5 Year-2017 Thana- GOGRI District- Khagaria

1. Devesh Yadav @ Devesh Kumar Son Of Late Shilesh Kumar Yadav R/O Vill - Siswa, P.S. - Gogri, Distt. - Khagaria
2. Swargesh Yadav Son Of Late Shailesh Kumar Yadav R/O Vill - Siswa, P.S. - Gogri, Distt. - Khagaria
3. Chhotu Yadav @ Amrit Kumar Son Of Late Shailesh Kumar Yadav R/O Vill - Siswa, P.S. - Gogri, Distt. - Khagaria
4. Kanhainya Yadav @ Krishna Kanhainya Son Of Late Shailesh Kumar Yadav R/O Vill - Siswa, P.S. - Gogri, Distt. - Khagaria
5. Shankar Yadav Son Of Brahmadeo Yadav R/O Vill - Siswa, P.S. - Gogri, Distt. - Khagaria
6. Lalan Yadav Son Of Haribol Yadav R/O Vill - Siswa, P.S. - Gogri, Distt. - Khagaria
7. Sudhir Yadav Son Of Saryug Yadav R/O Vill - Siswa, P.S. - Gogri, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-10-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Gogri P.S. Case No. 05 of 2017 dated



08.01.2017 (G.R. No. 49/17) dated 08.01.2017 registered for the offences punishable under Sections 147, 307, 506 and 384 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per the prosecution case, the petitioners and the co-accused persons armed with weapons destroyed the crops lying in the field of the informant. When the informant reached there the co-accused Shailesh Yadav fired at the informant but the bullet passed near him. The co-accused Sailesh Yadav and Sarbesh Yadav assaulted the informant. The petitioner Devesh took out Rs. 3,500/- from informant's pocket and demanded Rs. 50,000/- as *rangdari*.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners are accused in 16 other criminal cases and they are on bail in all the aforesaid 16 cases as stated in para 3 of the bail petition. The specific allegation of firing is against the co-accused Sailesh Yadav. There is general and omnibus allegation against the petitioners.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Khagaria in connection with Gogri P.S. Case No. 05 of 2017 dated 08.01.2017 (G.R. No. 49/17), subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioner are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner are liable to be cancelled.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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