

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10934 of 2020

Arising Out of PS. Case No.-319 Year-2019 Thana- NAWANAGAR District- Buxar

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1. Birbahadur Singh, aged about 20 years, Male son of Birendra Yadav.
 2. Birendra Yadav, aged about 38 years, Male son of Late Bihari Yadav.
Both are resident of village- Kandsar, PS- Nawanagar (Sonbarsa), District- Buxar.
 3. Guddu Yadav, aged about 20 years, Male son of Suresh Singh, resident of village- Bhadi, PS- Murar, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the State : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-07-2021

The matter has been heard *via* video conferencing.

2. Heard Dr. Kamal Deo Sharma, learned counsel for the petitioners and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Nawanagar (Sonbarsa OP) PS Case No. 319 of 2019 dated 15.11.2019, instituted under Sections 341, 323, 353, 224, 225, 307, 504 and 506/34 of the Indian Penal Code.

4. Learned counsel for the petitioners submitted that petitioner no. 1, namely, Birbahadur Singh, has surrendered before the Court below and taken bail and, thus, he may be permitted to withdraw the present petition on behalf of him.



5. In view thereof, as prayed for by learned counsel for the petitioners, the petition on behalf of petitioner no. 1, namely, Birbahadur Singh stands disposed off as withdrawn and is restricted to petitioners no. 2 and 3, namely, Birendra Yadav and Guddu Yadav, respectively.

6. The allegation against the petitioners is that when police had gone to arrest Ashok Yadav and had taken him into custody, they had manhandled the police personnel and had freed the said accused.

7. Learned counsel for the petitioners submitted that the informant, who is the SHO of the Police Station was on inimical terms with the petitioner no. 2, as he had falsely implicated his son previously, showing recovery of *mahua* liquor from the *Kirana* shop of the son of the petitioner no. 2. It was submitted that due to this, the petitioner no. 2 had filed informatory petition before the learned Chief Judicial Magistrate, Buxar on 03.07.2019 apprehending false implication by the present informant and thereafter, the present case has been instituted.

8. Learned APP, from the case diary, submitted that the petitioners who were known and related to Ashok Yadav, whom the police had gone to arrest had forcibly freed him from the custody of the police who were also manhandled and abused. It



was further submitted that witnesses have supported the prosecution case. He submitted that the conduct of the petitioners is highhanded as the police who had gone to make an arrest of another accused were manhandled and abused and the said accused was set free, which has a very grave adverse effect on the morale of the police and also the general atmosphere of the area where such lawlessness prevails. Further, it was submitted that the filing of the informatory petition itself shows that the same has been done after seizure of liquor from the shop of the son of the petitioner no. 2, only to create pressure on the police in future.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners no. 2 and 3, namely, Birendra Yadav and Guddu Yadav, respectively.

10. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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