

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70302 of 2023**

Arising Out of PS. Case No.-964 Year-2022 Thana- BARACHATTI District- Gaya

1. VIJAY YADAV @ BIJAY YADAV S/O BASUDEV YADAV VILLAGE- MAYAPUR, PS. BARACHATTI, DIST. GAYA
2. LALLU KUMAR @ LALLU YADAV @ LALOO YADAV S/O KRISHNA YADAV VILLAGE- MAYAPUR, PS. BARACHATTI, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Murli Dhar, Adv.

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      01-11-2023                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Barachatti P.S. Case No. 964 of 2022, dated 27.10.2022, registered for the offence punishable under Sections 323, 341, 342, 353, 504, 506/34 of the Indian Penal Code and Section 37 of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The case of prosecution, in short, is that while the informant along with other police personnel were on patrolling duty, got secret information regarding creating nuisance by some persons, who were in drunken state near Shri Ram Hotel. The Police party raided the place of occurrence at about 08:30



PM and they arrested three persons. In the meantime, some altercation took place between them due to which informant and constable Tej Narayan Yadav have sustained injury. It is further alleged that some persons came from Shri Ram Hotel and forcefully towed away two accused persons namely Vijay Yadav and Lallu Yadav. One accused namely Rambriksh Yadav was arrested.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioner no. 1 is the son of the owner of Sri Ram Hotel and petitioner no. 2 is the relative of petitioner no.1. The petitioners have no concern with Rambriksh Yadav, who was arrested on the spot. The petitioners were not in drunken position, as alleged in the F.I.R. and it is totally false and fabricated. Petitioners have one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail to the petitioners.

6. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2, Gaya in connection with Barachatti P.S. Case No. 964 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Khatim Reza, J)**

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