

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6545 of 2025

Arising Out of PS. Case No.-487 Year-2024 Thana- NAANPUR District- Sitamarhi

1. Amresh Kumar Mishra Bittu @ Amresh Kumar Bittu, Male, aged about 51 years, S/O Late Ram Ekbal Mishra,
2. Anshu Kumar @ Anshu Raj, Male, aged about 22 years, S/O Amresh Kumar Mishra Bittu @ Amresh Kumar Bittu,
Both R/O Village- Janipur, P.S- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Nanpur PS Case No.487 of 2024 dated 22.09.2024, instituted under Sections 191(2), 190, 126(2), 127(2), 61(2), 115(2), 121(1), 132, 352, 351(2), 351(3) of the *Bhartiya Nyaya Sanhita*, 2023 and Section 3/4 of the Prevention of Damage to Public Property Act.

3. The prosecution case, in brief, is that a Scorpio vehicle bearing registration number BR 07PA 5179 loaded with illicit liquor dashed a motor cycle in which three persons sustained injuries. Some antisocial persons started damaging the



vehicle and trying to remove the liquor. The informant, who is a Police Officer, along with other police personnel reached the place of occurrence where the accused persons were creating nuisance and they misbehaved with the police and obstructed them in discharge of their official duty.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the FIR has been lodged against twenty three named accused including the petitioners and 200 unknown persons. It is further submitted that no occurrence as alleged by the prosecution has taken place. The real fact is that the Scorpio vehicle loaded with liquor dashed three persons out of them one person, namely, Devendra Das died on the spot and rest two injured also received severe injuries. It is also submitted that the said Scorpio vehicle which was loaded with liquor was being escorted by the police vehicle and on protest the instant case has been lodged against the villagers. Learned counsel further submits that other accused persons have been granted bail by the court below itself but the prayer of the petitioners has been rejected only due to their criminal antecedents. Lastly, it submitted that one criminal case is pending against petitioner no.1, whereas, two criminal cases are pending against petitioner



no.2.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Pupri, Sitamarhi, in Nanpur PS Case No.487 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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