

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12589 of 2025

Arising Out of PS. Case No.-189 Year-2024 Thana- YADOPUR District- Gopalganj

1. Ambika Yadav, S/o- Asheswar Yadav, Resident of Village- Bhagwanpur PS- Nautan, Dist- Bettiah
2. Nitish Kumar @ Nitish Kumar Yadav, S/o- Hari Yadav, Resident of Village- Bhagwanpur PS- Nautan, Dist- Bettiah
3. Ramashankar Yadav S/o- Asheswar Yadav, Resident of Village- Bhagwanpur, PS- Nautan, Dist- Bettiah
4. Satyadev Yadav S/o- Bisheshwar Yadav, Resident of Village- Bhagwanpur PS- Nautan, Dist- Bettiah
5. Hari Yadav S/o- Bisheswar Yadav, Resident of Village- Bhagwanpur PS- Nautan, Dist- Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Jadipur P.S. Case No. 189 of 2024 dated 17.11.2024 instituted
for the offence punishable under Sections 191(1), 191(2),
191(3), 126(2), 115(2), 118(2), 121(1), 121(2), 132, 352, 351(1),
109, 324(4), 326(f) of Bhartiya Nyaya Sanhita, 2023, Section
3(1), 3(1)(d), 3(1)(dh), 3(2)(va) of SC/ST Act, 1989 and section
45 of Bihar Prohibition and Excise Amendment Act, 2022.



3. The prosecution case, in short, is that the informant along with team reached the place of occurrence and arrested co-accused, namely, Prahlad Yadav with ten cartoons country made liquor. The petitioners and other accused persons armed with lathi, danda surrounded the police and started abusing the police party and also made caste remark and attacked upon the police party in which three persons of police party were seriously injured and the petitioners and others looted the recovered liquor and helped the apprehended person in fleeing away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is no specific allegation against the petitioners rather the allegation against the petitioners are general and omnibus. No case under Section SC/ST Act has been made out against the petitioners. Only on the basis of confessional statement of apprehended person, the petitioners have been made accused in this case. Nothing has been recovered either from the conscious possession of the petitioners or from their house. Lastly, it has been submitted that petitioner no. 1 has one criminal case against him while petitioner nos. 2 to 5 have no criminal antecedents.



5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Jadopur P.S. Case No. 189 of 2024, they will 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 Additional District and Sessions Judge-XIII-cum-Special Judge, Excise Court No. I, Gopalganj subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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