

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18720 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- BIHRA District- Saharsa

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Bittu Yadav @ Bittu Kumar Son of Bauku Yadav Resident of Village-
Nandlali, P.S.- Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bihra P.S. Case No. 233 of 2024 registered under Sections
191(2), 190, 121(1), 125, 132, 262, 263, 324(2), 324(4), 324(5),
221 of the Bharatiya Nyaya Sanhita, Sections 37, 45 of Bihar
Prohibition and Excise (Amendment) Act, 2022 and Section 3 of
Prevention of Damage to Public Property Act, 1984.

3. As per the prosecution case, to verify the secret
information that the petitioner who was recently released from
jail dealing with illegal liquor along with his friends, the police
team went to the place of occurrence and after seeing the police
team, petitioner along with other members tried to flee away but
was arrested by the police. It is alleged that petitioner and other



accused persons abused, misbehaved and assaulted the police personnel on duty and succeeded to flee away from the custody on the spot. From the place of occurrence, two motorcycles and three mobile phones were recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. On the alleged date of occurrence, some villagers were protesting against the atrocity committed by police and petitioner has been named in this case with ulterior motive by the police. Further submission is that seized motorcycles and mobile phones do not belong to the petitioner. Petitioner was not in a drunken position. No public property has been damaged and no police personnel were injured in the alleged occurrence. It is submitted that co-accused Chandrahas Kumar has been granted regular bail by the learned Trial Court. Petitioner has three criminal antecedents out of which, two belong to Excise Act and petitioner is on bail in all cases. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that petitioner is a habitual offender having three criminal antecedents. He further submits that petitioner assaulted the police personnel when they were on



official duty. Petitioner fled away from the spot. It appears from impugned order that all the witnesses in the case diary named the petitioner as an accused. *Prima facie* case is made out against the petitioner. Therefore, petitioner does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties, conduct of the petitioner as well as his criminal antecedents, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for anticipatory bail is, hereby, rejected.

7. However, if petitioner surrenders before the Court concerned and seeks regular bail, the same shall be decided on its own merit without being prejudiced to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

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