

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37841 of 2025

Arising Out of PS. Case No.-175 Year-2025 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Mahendra Yadav, aged about 55 years (Male), S/o- Late Kishundev Yadav, R/O Village- Rajwari, P.S. Aurangabad Town, Dist- Aurangabad
 2. Arvind Yadav, aged about 32 years (Male), S/o- Late Kailash Yadav, R/O Village- Rajwari, P.S. Aurangabad Town, Dist- Aurangabad
 3. Anil Yadav, aged about 50 years (Male), S/o- Suresh Yadav, R/O Village- Rajwari, P.S. Aurangabad Town, Dist- Aurangabad
 4. Awadhesh Kumar, aged about 35 years (Male), S/o- Brijmohan Yadav, R/O Village- Rajwari, P.S. Aurangabad Town, Dist- Aurangabad
 5. Akhilesh Kumar, aged about 20 years (Male), S/o- Ramdhyan Yadav, R/O Village- Rajwari, P.S. Aurangabad Town, Dist- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Aman Vishal, Advocate
For the Opposite Party : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 04-07-2025 Vide order dated 01.07.2025, prayer for anticipatory bail application of the petitioner nos. 1, 4 and 5, namely, Mahendra Yadav, Awadhesh Kumar and Akhilesh Kumar respectively, have already been dismissed as withdrawn.

2. Heard learned counsel for the petitioner nos. 2 and 3 and learned Additional Public Prosecutor for the State.

3. The petitioner nos. 2 and 3 are apprehending their arrest in connection with Aurangabad Town P.S. Case No. 175 of 2025 dated 14.03.2025 registered for the offences punishable



under Sections 115(2), 126(2), 352, 351(2), 132, 191(2) of the B.N.S., 2023 and Sections 30(a) and 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per the prosecution case, total 29.700 foreign liquor was recovered from the straw of the Khaliyan and the house of the co-accused Shyam Bihari Yadav. It is further alleged that the villagers forcibly freed the said co-accused Shyam Bihari Yadav from the police custody and thereafter police arrested Ramdhyan Yadav and Arun Kumar who disclosed the name of the petitioner nos. 2 and 3 and others as fleeing persons from the place of occurrence who also tried to free the said co-accused from the police custody.

5. Learned counsel for the petitioner nos. 2 and 3 has submitted that they are innocent and have falsely been implicated in this case. They were not present on the alleged date and time of occurrence and their names have surfaced in the present case only on the basis of the confessional statement of the apprehended co-accused persons Ramdhyan Yadav and Arun Kumar and except the confessional statement of the aforesaid two persons, there is no other substantive evidence to suggest their implication in the present case. They have inimical terms with the co-accused persons. They have no concern with



the alleged offence. There is general and omnibus allegation against them. There is no statutory compliance of Sections 103 and 105 of the B.N.S.S. The other co-accused persons, namely, Arun Kumar and Ramdhyan Yadav, have already been granted bail by a Bench of this Court in Cr. Misc. No. 28454 of 2025 vide order dated 06.05.2025. The petitioner no. 2 has three criminal antecedents in which he is on bail and the petitioner no. 3 has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner nos. 2 and 3.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner nos. 2 and 3, namely, Arvind Yadav and Anil Yadav, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court, First, Aurangabad (Bihar) in connection with Aurangabad Town P.S Cse No. 175 of 2025, subject to the condition as laid



down under Section 482(2) of the B.N.S.S, 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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