

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47428 of 2025

Arising Out of PS. Case No.-198 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Mantu Yadav @ Brijbhan Yadav Son of Hari Yadav @ Harinarayan Yadav
R/O Vill.- Shivraipur, P.S.- Kuchaikote, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashwat Sahil Singh, Advocate
	:	Ms. Swarnima, Advocate
	:	Mr. Saurabh Kumar, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Mr. Shashwat Sahil Singh, learned counsel
for the petitioner and Mr. Dilip Kumar No. 1, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kuchaikote P.S. Case No. 198 of 2020, F.I.R. dated 04.06.2020 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 353, 333, 504 of Indian Penal Code & 48, 52 of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the First Information Report, the informant alleged that the chowkidar were monitoring the wine smugglers at the place of occurrence, then the petitioner along with other co-accused persons came and assaulted the police personnel.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner and it appears from the FIR that the petitioner at best is the member of the mob. There is no specific allegation of assault or overt act against the petitioner rather specific allegation of assault is against co-accused person, namely, Brij Mohan Sah who assaulted to the informant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J-IV-cum-Special Judge Excise Court No-II, Gopalganj in connection with Kuchaikote P.S. Case No. 198 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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