

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53803 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- GOPALPUR District- Gopalganj

1. Shahabuddin Dewan @ Shahabuddin Shah @ Shabodin Sah S/O Sahukat Dewan @ Shaukat Shah R/O Village- Ahirauli Dubauli, Tola Takiya, P.S- Gopalpur, District- Gopalganj, Bihar.
2. Bhuttu Shah @ Bhutto Sah S/O Nurmohammad Shah R/O Village- Ahirauli Dubauli, Tola Takiya, P.S- Gopalpur, District- Gopalganj, Bihar.
3. Merajuddin Dewan @ Merajuddin Shah S/O Intaf Dewan R/O Village- Ahirauli Dubauli, Tola Takiya, P.S- Gopalpur, District- Gopalganj, Bihar.
4. Ebrahim Dewan @ Ibrahim Shah @ Berahim Dewan S/O Late Mansur Dewan R/O Village- Ahirauli Dubauli, Tola Takiya, P.S- Gopalpur, District- Gopalganj, Bihar.
5. Aashik Dewan @ Asif Ali S/O Late Mumtaz Dewan @ Mumtaz Sah R/O Village- Ahirauli Dubauli, Tola Takiya, P.S- Gopalpur, District- Gopalganj, Bihar.
6. Mustaque Dewan @ Mustak Ahamad S/O Baharuddin Dewan R/O Village- Ahirauli Dubauli, Tola Takiya, P.S- Gopalpur, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Heard Mr. Indrajeet Bhushan, learned counsel for the petitioners and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No. 140 of 2025, F.I.R. dated 23.05.2025 for the offences punishable under Sections 190, 191(2), 191(3), 121(2), 132, 109(1) and 309(4) of the



Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant, while acting on confidential information regarding a liquor-laden van passing through Baghauch, Sasamusa, intercepted a suspicious vehicle which attempted to flee. During the chase, the police reached near a house where several vehicles were parked, and at that place a group of persons armed with swords, axes and sticks surrounded the police team with intent to kill, assaulted them, snatched the official 9mm pistol of the S.H.O., and also pelted stones, causing injuries to several police officials.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent. The allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. Although, the petitioners are named in the F.I.R. but there is no specific allegation of assault or overt act attributed against the petitioners and the co-accused person, namely, Aaftab Dewan @ Aftab Dewan @ Aftab Sah has been granted privilege of anticipatory bail vide order dated 06.08.2025 passed in Cr. Misc. No. 48438 of 2025 by this Court and the revolver in question which was recovered from the house of the co-accused



person for which the separate F.I.R. Gopalpur P.S. Case No. 141 of 2025 dated 23.05.2025 is instituted.

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

6. Considering the aforesaid facts, petitioners have clean antecedent and the similarly situated co-accused person has been granted privilege of anticipatory bail, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Gopalganj in connection with Gopalpur P.S. Case No. 140 of 2025, 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. Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Neha/-

U		T	
---	--	---	--

