

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79669 of 2025

Arising out of PS. Case No.-85 Year-2025 Thana- KOTHI District- Gaya

1. Dilip Yadav @ Dilip Kumar S/o Phulchand Yadav @ Fulchand Yadav Resident of Village- Mohandih, P.S.- Kothi, District- Gaya.
2. Rajesh Paswan S/o Ramkeshwar Paswan Resident of Village- Mohandih, P.S.- Kothi, District- Gaya.
3. Manoj Paswan @ Manoj Kumar s/o Mahendra Paswan Resident of Village- Mohandih, P.S.- Kothi, District- Gaya.
4. Lalan Kumar @ Lalan Chaudhary S/o Satendar Chaudhary @ Chandar Chaudhary Resident of Village- Mohandih, P.S.- Kothi, District- Gaya.
5. Banda Paswan @Deepak Paswan s/o Rambhish Paswan Resident of Village- Mohandih, P.S.- Kothi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s: Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-12-2025 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State.

2. The petitioners apprehend their arrest in connection
with Kothi P.S. Case No. 85 of 2025, registered for the offences
punishable under Sections 191(2), 191(3), 190, 115(2), 126(2),
115(2), 109, 326(f), 132, 351(2) and 352 of BNS, 2023.

3. In course of patrolling duty, when the police
officials tried to intercept two persons who were going on a mo-



torcycle, they succeeded in fleeing away after throwing a gunny bag containing 50 litres of country-made Mahua liquor. While the police officials were in search of them, in the meanwhile, some accused persons including the petitioners came there and surrounded the police and one of the accused persons assaulted over the head of the driver by means of lathi. The petitioners and other accused persons damaged the glass of the vehicle and took away the gunny bag containing liquor. The named accused persons along with other 20-25 unknown persons set the police vehicle on fire and fled away.

4. Learned Advocate appearing on behalf of the petitioners contended that the present case is nothing but instituted only in order to save skin from the accusation made by one Renu Devi, whose husband was done to death on account of negligent driving of the police vehicle. With respect to such occurrence, said Renu Devi had instituted Sohail P.S. Case No. 55 of 2025 on 11.07.2025. However, only in order to create a defence, the present FIR has been instituted against the petitioners and others. When the villagers were protesting the action of the police officials, in the meantime, some unscrupulous persons torched the police vehicle. There is complete denial of the involvement of the petitioners and moreover even as per the FIR,



there is no specific allegation against the petitioners of causing assault, rather omnibus nature of allegation has been levelled against all the named accused persons, besides 20-25 unknown persons. It is also contended that one of the co-accused namely Vinay Yadav @ Vinay Kumar who was also facing identical allegation has been allowed anticipatory bail by this Court vide order dated 04.12.2025 passed in Cr. Misc. No. 80758 of 2025. The petitioners bear fair antecedents and they undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State submitted that the petitioners along with others had not only obstructed the police officials in discharging their official duty, they also ignited police vehicle and causing loss to the public coffer.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the omnibus nature of accusation as well as the fair antecedents of the petitioners, let the above named petitioners, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class,



Gaya/Concerned Court in connection with Kothi P.S. Case No. 85 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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