

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5480 of 2023**

Arising Out of PS. Case No.-418 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Gopal Yadav @ Gopalji Yadav S/o Shivashankar Yadav R/o Village-Dalchhapra, P.S-Rewati, District-Ballia (U.P.)
2. Brijesh Kumar Yadav S/o Awadhesh Yadav R/o village-Parmanand ke Dera, P.S-Rewati, District-Ballia (U.P)
3. Shailendra Kumar Yadav S/o Late Rambachan Yadav R/o village-Chit Bisawa Khurd, P.S-Sahatwar, District-Ballia (U.P)

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitu Kumari, A.S.I presently posted at Bhagwan Bazar Police Station, District-Saran at Chapra

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ravi Raj, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5      30-01-2025                      Heard learned counsel appearing on behalf of appellants and Spl. Public Prosecutor.

2. This criminal appeal has been filed against the order dated 25.11.2023 passed by learned Exclusive Special Judge SC/ST, Saran at Chapra in connection with ABP No. 4257 of 2023 arising out of Bhagwan Bazar P.S. Case No. 418 of 2023, registered under Sections 353, 506 of the Indian Penal Code and Section 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



3. As per prosecution case, these appellants sought release of trucks bearing Registration Nos. UP60T7035 and UP54T7445 from police station by producing court order and when informant asked for some time by saying that release of vehicle needs verification from higher authority, appellants pressurized informant and threatened her by taking her caste name.

4. It is submitted appellants are innocent and have committed no offence. Appellants are residents of Uttar Pradesh and they are owners of the aforesaid trucks in question. It is further submitted that due to fault of the drivers, trucks of these appellants were seized by the Bhagwan Bazar police station for illegal mining and transportation of sand and aggrieved by the same, appellants filed application for release of the said vehicles before the learned court below and learned Additional Chief Judicial Magistrate, Saran at Chapra *vide* order dated 19.10.2023 contained in Memo No. 1085 has been pleased to allow the petition and directed the S.H.O., Bhagwan Bazar police station, Saran to release the above mentioned vehicles in accordance with law. He further submits that after taking the certified copy of the aforesaid order, these appellants went to the police station and requested for release of their trucks where the



police officials demanded Rs. 50,000/- from the appellants as bribe and when appellants refused to fulfill the demand, this false and concocted case was lodged against them.

5. However, learned Spl. Public Prosecutor appearing for the State vehemently opposes the prayer for bail application and submits that there is specific accusation that these appellants went to the police station and created nuisance and abused the informant by taking her caste name.

6. Considering the nature of accusation, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, which has been filed for grant of anticipatory bail, is hereby rejected.

**(Prabhat Kumar Singh, J)**

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