

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2056 of 2025

Arising Out of PS. Case No.-476 Year-2023 Thana- BARAULI District- Gopalganj

1. Jawahir Upadhaya S/O Late Dukhi Upahdaya Resident of Vill.- Kahala Bishunpura, P.S.- Barauli, Dist.- Gopalganj
2. Paras Upadhaya S/O Late Dukhi Upadhaya Resident of Vill.- Kahala Bishunpura, P.S.- Barauli, Dist.- Gopalganj
3. Krishna Upadhaya @ Krishna Upadhyay S/O Bhagrashan Upadhaya Resident of Vill.- Kahala Bishunpura, P.S.- Barauli, Dist.- Gopalganj
4. Gopal Upadhaya S/O Late Sukhdeo Upadhaya Resident of Vill.- Kahala Bishunpura, P.S.- Barauli, Dist.- Gopalganj
5. Munna Upadhaya S/O Jawahir Upahdaya Resident of Vill.- Kahala Bishunpura, P.S.- Barauli, Dist.- Gopalganj
6. Bhutul Upadhaya @ Gulut Upadhaya S/O Late Ramji Upadhaya Resident of Vill.- Kahala Bishunpura, P.S.- Barauli, Dist.- Gopalganj
7. Mukesh Upadhaya @ Mukesh Kumar S/O Late Ramji Upadhaya Resident of Vill.- Kahala Bishunpura, P.S.- Barauli, Dist.- Gopalganj
8. Vishal Upadhaya @ Vishal Kumar Upadhaya S/O Late Ramji Upadhaya Resident of Vill.- Kahala Bishunpura, P.S.- Barauli, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Barauli P.S. Case No. 476 of 2023 dated 13.11.2023
registered for the offences punishable under Sections 341, 323,
384, 504, 506 read with Section 34 of the Indian Penal Code.



3. The main submissions advanced by petitioners' counsel are that, prior to the registration of the F.I.R. of the present matter, one namely Gopal Upadhaya, a family member of the petitioners, had lodged Barauli P.S. Case No. 475 of 2023 for the offences punishable under Sections 341, 323, 324, 379, 504, 506 read with section 34 of the Indian Penal Code on 13.11.2023 against the son of the informant and others with the allegations of assault and snatching of money and creating pressure upon the petitioners, a false story was manufactured and consequently, a false case was lodged against twelve named persons including the petitioners and also against twenty to twenty-five unknown persons and the allegations is that all the petitioners came at the *Bathan* of the informant and surrounded him and thereafter, demanded a sum of Rs. 2,00,000/- (Rupees Two lacs) as an extortion amount but the said allegation is not specific against any of the petitioners and other allegations as to making firing is against the co-accused Vikash Yadav and Nagendra Yadav and it is an admitted position that no one sustained any kind of injury in the alleged firing. It is further submitted that all the petitioners have fair and clean antecedent and they have never remained involved in any offence relating to extortion demand and the informant is an advocate.



4. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

5. Considering the aforesaid submissions advanced by petitioners' counsel and mainly taken into account the petitioners' fair and clean antecedent and the nature of allegation appearing against the petitioners, this Court is inclined to grant them the relief of anticipatory bail. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Barauli P.S. Case No. 476 of 2023, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.)

6. Accordingly, the present application stands allowed.

(Shailendra Singh, J)

Jyoti/-

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

