

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44253 of 2026

Arising Out of PS. Case No.-728 Year-2025 Thana- AMARPUR District- Banka

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Shyamlal Tudu @ Shyamlal Tuddu S/o Ropghu Tuddu Resident of Village -
Mahadev Asthan, Nichla Tola, P.S - Amarpur, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in connection with Amarpur P.S. Case No. 728 of 2025
instituted for the offences punishable under Sections 191(2),
191(2), 190, 126(2), 115(2), 109(1), 131, 132, 121(1), 121(2),
352 and 351(2) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, the informant had
alleged that on secret information that some people are engaged
in illegal manufacturing and transportation of liquor, a raid was



conducted and when the police party reached there around 25-30 persons variously armed with stick, iron rods and other weapons including the petitioner along with 10-15 unknown persons attacked the police party. It is further alleged that one of the homeguards namely Dasrath Yadav sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated and his name is said to have been taken by the local Chowkidar. It has further been submitted that from plain reading of the FIR, it is clear that there is no specific allegation levelled against the petitioner and no incriminating article was recovered from the house of the petitioner. It has further been submitted that the injuries sustained by most of the informant's side were simple in nature barring the injuries sustained by one Dasrath Yadav, however in absence of any specific attribution the same cannot be saddled with the present petitioner. It has lastly been submitted that the petitioner carries clean antecedent. It has next been submitted that the similarly co-accused persons have been granted anticipatory bail on 28.01.2026 passed in Cr. Misc. No. 3350 of 2026 and Cr. Misc. No. 2645 of 2026.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.



6. Considering the facts aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Banka in connection with Amarpur P.S. Case No. 728 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner and the other shall be a local resident;

(ii) the petitioner will remain physically present on each and every date fixed by the Court below, if so required by the learned Trial Court and shall cooperate in the investigation;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) If the petitioner, in future, is found to be involved in similar nature of



offence, the prosecution shall be at liberty to move for cancellation of his bail bonds.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The petition stands disposed of accordingly.

(Sourendra Pandey, J)

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