

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88063 of 2025

Arising Out of PS. Case No.-296 Year-2025 Thana- DHANAHA District- West Champaran

Brijesh Yadav Son of Narayan Yadav Resident of Village- Dhanaha Gadiyani
Tola, P.S.- Dhanaha, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramendra Kumar Bharti, Advocate
	:	Mr. Shahbaj Allam, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 303 and 324 of BNS, 2023.

3. The prosecution case, in brief, is that on 07.09.2025 he was checking vehicles at the Bansi Excise Prohibition Check Post along with his subordinate Home Guards. During the checking, he received a tip-off that some people were carrying liquor at Devipur Chowk and were creating a ruckus after drinking. On receiving information he along with the Home Guards deputed at the Bansi Check Post reached at the place of occurrence Devipur Chowk and saw



some bike riders parking their bike and making a loud commotion. While the police were questioning them, a strong smell of alcohol emanated from their breath. It is next alleged that three of them, who had consumed alcohol, were put into the police vehicle, and their two motorcycles and one mobile phone were confiscated. After a short distance, miscreants from behind, chasing the department vehicle in cars and motorcycles, blocked the path of the vehicle near the Kathar Petrol Pump. In the process, a motorcyclist lost his balance and fell on the roadside. Shortly after, some bike riders also gathered there armed with sharp weapons, attacked the raiding party with intent to kill. A scuffle ensued, and the three drunk individuals were forcibly freed from the police vehicle. Home Guard and informant were severely injured. The police vehicle was also damaged and informant's mobile phone was snatched by the miscreants. The informant and other injured police personnel, with the help of Excise S.H.O., Bagaha and the local P.S. S.H.O., Dhanaha somehow managed to escape and were taken for treatment. The miscreants were identified through video footage, which include 1. Naresh Kushwaha, 2. Brijesh Yadav and other 15-20 unknown persons. On the basis of application of informant, present case was registered.



4. Learned counsel for the petitioner submits that petitioner has three criminal antecedents. It is next submitted that petitioner has been falsely implicated in the present case based on general and omnibus allegation. It is next submitted that the no occurrence in the manner as alleged has ever taken place as far as the petitioner is concerned. It is next submitted that from perusal of the FIR it appears that petitioner was not at all involved in the alleged crime rather upon seeing scuffle, petitioner become bystander.

5. The application is opposed by the learned APP for the State.

6. Considering the fact that although there is allegation against the petitioner of having attacked police personnel and damaged police vehicle, in the CCTV footage the picture of petitioner has been captured as a bystander and also the injury sustained is simple in nature as per the injury report. Further, taking into account that the petitioner is on bail in the three criminal cases, details of which have been stated in paragraph-3 of the bail application. Under these facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bagaha in connection with Dhanaha P.S. Case No. 296 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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