

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.16101 of 2025**

Arising Out of PS. Case No.-269 Year-2016 Thana- MANER District- Patna

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Vijay Yadav @ Vijay Kumar S/O Ramanuj Rai R/O Vill.- Khaspur, P.S.-Maner, Dist.-  
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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*Acts/Sections/Rules:*

- *Sections 147/148/149/353/324/337/307/504 of the Indian Penal Code*
- *Section 8B of the National Highway Act,*
- *Article 19(1) (a)(b) of the Constitution of India*

*Anticipatory Bail Petition - filed as petitioner apprehends his arrest in connection with P.S Case registered for the offences punishable under Sections 147/148/149/353/324/337/307/504 of the Indian Penal Code.*

*FIR has been lodged against seven named accused persons along with hundreds of villagers including the present petitioner against whom there is an allegation that they have blocked national highway and when police party tried to clear National Highway, they have assaulted them in which police personnel have sustained injuries.*

*Held - Blocking a National Highway can be seen as infringing upon the rights of other citizens to travel freely and peacefully. Moreover, road blockades cause significant disruption and hardship to commuters including those with urgent needs like medical emergencies, therefore, it is proven fact that petitioner along with other accused persons had violated the fundamental rights of general public of free movement by blocking a National Highway during their protest, thus they are not entitled to any relief of pre-arrest bail. (Para 6)*

*It also appears that National Highway has been blocked in the form of assembly, it amount to violation of Section 8B of the National Highway Act, and hence, no claim of immunity under Article 19(1) (a)(b) of the Constitution of India can be made. Section 8B penalizes acts that render any national highway impassable or less safe for traveling. (Para 6)*

*Moreover, the injury report mentioned in the case diary shows that the police personnel present there sustained injuries in the alleged occurrence and the investigation is still going on, so this Court is not inclined to grant anticipatory bail application of the petitioner. (Para 6)*

*Anticipatory bail application is rejected. (Para 7)*

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Maner, Dist.- Patna.

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Appearance :

For the Petitioner/s : Mr.Parashuram Singh, Adv  
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA

ORAL ORDER

2      02-04-2025      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with  
Maner P.S Case No. 269/2016 registered for the offences punishable  
under Sections 147/148/149/353/324/337/307/504 of the Indian  
Penal Code

3. As per prosecution, FIR has been lodged against seven  
named accused persons along with hundreds of villagers including  
the present petitioner against whom there is an allegation that they  
have blocked NH-30 and when police party tried to clear National  
Highway No. 30, they have assaulted them in which police personnel  
have sustained injuries.

4. Learned counsel for the petitioner submits that  
petitioner has falsely been implicated in this case. He next submits  
that there is no direct evidence against the petitioner to prove the fact  
that petitioner has committed the alleged offenses. He also submits



that petitioner has not assaulted any of the public servant, his name has been figured only to harass him. He next submits that petitioner possess one criminal antecedent in which he is on bail.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner and submits that other co-accused person's anticipatory bail application has been rejected by this Hon'ble Court vide order dated 06.07.2017 passed in Cr. Misc. No. 22769 of 2017

6. On perusal of the FIR, impugned order dated 31.01.2025, it appears that petitioner along with other co-accused persons has blocked the National Highway No. 30. It is universal fact that blocking a National Highway can be seen as infringing upon the rights of other citizens to travel freely and peacefully. Moreover, road blockades cause significant disruption and hardship to commuters including those with urgent needs like medical emergencies, therefore, it is proven fact that petitioner along with other accused persons had violated the fundamental rights of general public of free movement by blocking a National Highway No. 30 during their protest, thus they are not entitled to any relief of pre-arrest bail. It also appears that National Highway has been blocked in the form of assembly, it amount to violation of Section 8B of the National Highway Act, and hence, no claim of immunity under Article 19(1) (a)(b) of the Constitution of India can be made. Section 8B penalizes acts that render any national highway impassable or less safe for



traveling. Moreover, the injury report mentioned in the case diary shows that the police personnel present there sustained injuries in the alleged occurrence and the investigation is still going on, so this Court is not inclined to grant anticipatory bail application of the petitioner.

7. Accordingly, the anticipatory bail application of the petitioner is hereby rejected.

**(Ramesh Chand Malviya, J)**

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