

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13927 of 2025

Arising Out of PS. Case No.-488 Year-2023 Thana- BARH District- Patna

1. Sunil Kumar S/O Krishan Vishkarma @ Krishna Mistry Resident of village- Banarshi Ghat, Ward no. 15, P.S.- Barh, Dist.- Patna
2. Sunny Kumar S/O Gayan Dev Vishkarma R/O Banarsi Ghat, Lohar Tola, P.S.- Barh, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17461 of 2025

Arising Out of PS. Case No.-488 Year-2023 Thana- BARH District- Patna

Rajat Kumar @ Nishant Kumar S/O Sone Lal @ Sona Prasad Resident of Kul- Bulia, P.S- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13927 of 2025)

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 17461 of 2025)

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 14-05-2025 Two cases are being taken up together as they arise out of the same p.s. case.

2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



4. As per the prosecution case, the recovery is of 360 ml of foreign liquor from the go-down which belongs to one Niranjana Ji. The name of the petitioners have been disclosed by the local people stating therein that while a birthday party was going on, there was a gun shot which was fired and one Rohit Pandey died. It is stated thereafter all the persons had fled away.

5. Learned counsel for the petitioners submit that the present case has been lodged only under the provisions of the Excise Act whereas one another case arising out of the same incident have been lodged as Barh P.S. Case No. 489 of 2023 under Section 302 and 120B of the IPC and in the said case the petitioners had been arrested and were granted the privilege of regular bail by a co-ordinate Bench of this Court *vide* orders dated 29.02.2024 in Cr. Misc. No. 3947 of 2024, **Sunil Kumar v. State of Bihar** and order dated 09.04.2024 passed in Cr. Misc. No. 3947 of 2024, **Sanni Kumar v. State of Bihar** which have been annexed as Annexure-2 to the present application on the ground that the deceased has been killed in a celebratory firing. It has also been pointed out by the learned counsel for the petitioners that although, they have been taken into custody in a subsequent case, surprisingly they were not remanded in the present case and once they have been granted bail in the



connected case, the police has now started searching for them in the present case.

6. Taking into consideration that the petitioners have already been granted the privilege of anticipatory bail in the connected matter and the recovery is of only 360 ml of foreign liquor, that too not from the physical and conscious possession of the petitioner rather from the go-down of one Niranjani Ji, I am inclined to grant anticipatory bail to the petitioner against whom the only criminal antecedent is Barh P.S. Case No. 489 of 2023 which emanates out of the same occurrence.

7. The application is opposed by the learned APP for the State on the ground that the petitioners have one criminal antecedent of the same nature, in response to which it is submitted that the petitioners are on bail in the said case.

8. Considering the above facts and circumstances, let the petitioners, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Barh, in connection with Barh P.S. Case No. 488 of 2023, 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 and subject to the further condition that:-

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

(ii) the learned Court would, however, verify the criminal antecedent of the petitioners and in case it is found that the petitioners have 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.

(Soni Shrivastava, J)

Raj Ranjan/-

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