

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22157 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- NOWKOTHI GARHPURA District-
Begusarai

=====

Raushan Mahto Son of Faudar Mahto R/O Vill- Samsa, P.S.- Nawkothi,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 61(2) of the
BNS, Sections 30(a), 32 and 41 of the Bihar Prohibition and
Excise Act and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of five case and the allegation is of
recovery of 794.62 litres of liquor from a Haiva, further one
accused was apprehended, namely, Vijay Rajak, from whose
possession two country-made pistol along with 29 live
cartridges were recovered.

4. Learned counsel for the petitioner next submits that



the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is also submitted that since the petitioner has criminal antecedent, as such the police got him implicated in the instant case, when he has no concern or relation with Vijay Rajak. It is further submitted that similarly situated co-accused Dinkar Mahto @ Dinkar Kumar and Niraj Kumar @ Niraj Mahto have been granted the privilege of anticipatory bail by an order dated 16-4-2025 passed in Cr. Misc No. 15436 of 2025 and Cr. Misc No. 16485 of 2025.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with



Nawkothi P.S. Case No. 09 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than five cases then it would be presumed that petitioner, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner has antecedent of five cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

SUMIT/-

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

