

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22058 of 2025

Arising Out of PS. Case No.-253 Year-2024 Thana- DEWARIA District- Muzaffarpur

1. Nishant Kumar Son of Santlal Ray Resident of Village - Chainpura, P.S. - Dewaria, District - Muzaffarpur
2. Adarsh Kumar Son of Dindayal Ray @ Dindayal Rai Resident of Village - Chainpura, P.S. - Dewaria, District - Muzaffarpur
3. Dindayal Ray @ Dindayal Rai Son of Late Tapasi Rai Resident of Village - Chainpura, P.S. - Dewaria, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Learned counsel for the petitioners prays for withdrawal of the anticipatory bail application of Nishant Kumar with undertaking that he will be surrendering within a period of four weeks from today.

2. The application of anticipatory bail of Nishant Kumar (petitioner no.1) is rejected with observation that if he surrenders within a period of four weeks from today, the same shall be considered and disposed of preferably on the same day.

3. Heard the parties.

4. The petitioners namely Adarsh Kumar and Dindayal Ray are apprehending arrest in connection with



Deoriya P.S. Case No. 253 of 2024 instituted under Sections 274, 275 of B.N.S. & 30(a) of the Bihar Prohibition and Excise Act, 2022 lodged on 10.11.2024 by the informant, Amresh Kumar.

5. As per the prosecution story, the informant alleged that four persons were sitting there and upon challenge, tried to escape. Two persons with motorcycle were arrested and there is recovery of 12.375 liters of foreign liquor. This led to the FIR/arrest.

6. He gave the name of the accused persons, the petitioners included.

7. It is the contention of the petitioner nos. 2 and 3 namely Adarsh Kumar and Dindayal Ray @ Dindayal Rai respectively that only because the motorcycle belongs to the petitioner no.3, they have been named. The motorcycle was given to the neighbour who was caught by the Police. Both of them do not have criminal antecedent.

8. Learned APP opposes the prayer stating that the motorcycle belongs to one of the petitioner.

9. Taking into account of the aforesaid submission as also that the two petitioners namely petitioner no.2 Adarsh Kumar and the petitioner no.3 Dindayal Ray @ Dindayal Rai



do not have criminal antecedents, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

10. Let the petitioners namely petitioner no.2 Adarsh Kumar and the petitioner no.3 Dindayal Ray @ Dindayal Rai be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Deoriya P.S. Case No. 253 of 2024 to the satisfaction of learned Exclusive Spl. Judge Excise Court no.II, Muzaffarpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner no.2 Adarsh Kumar and the petitioner no.3 Dindayal Ray @ Dindayal Rai who shall provide official document to show his/her bona fide;

(ii) the petitioner no.2 Adarsh Kumar and the petitioner no.3 Dindayal Ray @ Dindayal Rai shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.2 Adarsh Kumar and the



petitioner no.3 Dindayal Ray @ Dindayal Rai shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioner no.2 Adarsh Kumar and the petitioner no.3 Dindayal Ray @ Dindayal Rai shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioner no.2 Adarsh Kumar and the petitioner no.3 Dindayal Ray @ Dindayal Rai shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner no.2 Adarsh Kumar and the petitioner no.3 Dindayal Ray @ Dindayal Rai shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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