

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45910 of 2025**

**In
CRIMINAL MISCELLANEOUS No.30857 of 2025**

Arising Out of PS. Case No.-94 Year-2025 Thana- GORAU District- Vaishali

Dharmendra Rai @ Dharmendra Kumar S/O Anantlal Ray R/O Village-
Salempur Dumaria, P.S- Goraul, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the State : Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 11-07-2025 Heard Mrs. Bela Singh, learned counsel for the
petitioner and learned APP representing the State.

2. The present petition has been preferred for the
grant of following relief:

*“for the modification of the order
dated 19.05.2025 passed in Cr. Misc. No. 30857
of 2025 passed by the Hon’ble Court in which
the petitioner was granted anticipatory bail in
connection with Goraul P.S. Case No. 94 of 2025
lodged under section 30(a) of the Bihar
Prohibition and Excise Act.”*



3. In this case, relief was granted to the petitioner on 19.05.2025. Mrs. Singh, submits that in the petition, it was recorded that the petitioner has no criminal antecedent and in that background, the concerned court has not accepted the bail bond.

4. With the help of paragraph nos. 4 to 7, the submission is that in Goraul (Kathara) P.S. Case No. 213 of 2011, final form was submitted so far as the petitioner is concerned and the same was accepted by the learned court. In that background, no criminal antecedent was recorded in paragraph no.3.

5. **Paragraph nos. 4 to 7** of the petition read as follows:

4. That in pursuant to the said order, the petitioner appeared before the learned Court below for furnishing bail bond, however, the learned court below refused to accept the bail bond on the ground that the petitioner has a criminal antecedent i.e. Goraul (Katahara) P.S. case no. 213/11 dated 17.9.2011, though explanation for that was given.

5. That it is pertinent to mention here



that the said case i.e. Goraul (Katahara) P.S. case no. 213/11 dated 17.9.2011 was instituted by Sushil Kumar against five named person including present petitioner Dharmendra Rai u/s 302/34 I.P.C.

6. That after investigation of aforesaid case, investigating officer has submitted charge-sheet only against co-accused Satan Paswan and petitioner has not been found guilty therein. Accordingly Final Form has been submitted in favour of the petitioner.

7. That it is also relevant to mention here that in aforesaid case, cognizance has been taken only against co-accused Satan Paswan vide order dated 23.09.2013 passed by Chief Judicial Magistrate in Goraul (Katahara) P.S. Case No. 213/11 and petitioner has not been sent up for trial, i.e., much before filing of present bail application. Therefore, non-mentioning of that case in present bail application is not intentional one especially in the light of clean final report and acceptance of it by learned



concerned Court below.

6. In that background, the court accepts the explanation regarding paragraph no.3 of the petition with the direction to the court concerned to accept his bail bond.

7. Since there has been delay, the period of surrender is further extended by four weeks from today.

8. The order dated 19.05.2025 in Cr. Misc. No. 30857 of 2025 stands modified.

(Rajiv Roy, J)

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