

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78929 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- KHAJAULI District- Madhubani

1. Vikash Kumar Mahto @ Vikash Kumar S/o- Indal Mahto R/v- Datuar Ps- Khajauli Dist- Madhubani
2. Raman Mahto S/o- Matwar Mahto R/v- Datuar Ps- Khajauli Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-12-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 2, Raman Mahto, who was arrested during pendency of the instant anticipatory bail application.

3. Permission is accorded.

4. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner No. 2, Raman Mahto.

5. The petitioner No. 1 apprehend his arrest in a case registered for the offences punishable under Sections 274, 275



and 3(5) of BNS and Section 30(a) of the Bihar Excise Act.

6. Learned counsel for the petitioners submits that the petitioner no.1 has antecedent of three cases and allegation is of recovery of 417.600 liters of liquor from a Bolero vehicle.

7. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he came to be implicated at the instance of Chowkidar with whom he is on an inimical term. It is next submitted that if the Chowkidar was aware about the involvement of the petitioner in the occurrence, then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution. It is also submitted that investigation in the case against the petitioner is still continuing.

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

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1 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. 15,000/- (Rupees Fifteen 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 Khajauli P.S. Case No. 151 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

10. 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 three 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 three cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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