

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81933 of 2025

Arising Out of PS. Case No.-139 Year-2025 Thana- KHUTAUNA District- Madhubani

1. Shivam Kumar S/O Rajiv Kumar Sahu R/O Ward no. 10, Khutauna, Madhubani, P.S- Khutauna, Distt.- Madhubani- 847227.
2. Raja Kumar S/O Narayan Choudhary R/O Ward no. 12, Khutauna, Madhubani, P.S- Khutauna, Distt.- Madhubani- 847227.
3. Uday Kumar S/O Umesh Choudhary R/O Village- Khutauna, Madhubani, P.S. and P.O- Khutauna, Distt.- Madhubani- 847227.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravashankar Mishra

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 190, 191(2), 109(1), 132, 121(1)(2), 352, 351(2), 274, 275 of the B.N.S. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner nos.2 and 3 are persons with clean antecedent and the allegation is of recovery of 930 ml liquor from a place near a newly



constructed house of Jay Prakash Bharti.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even alleged recovery is from a place, which does not belong to the petitioners, nor petitioners have any concern with Jay Prakash Bharti and he came to be implicated at the instance of Chaukidar and if Chaukidar was aware of the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the present F.I.R., which casts an aspersion on the case of the prosecution. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in



the sum of Rs. 5,000/- (Rupees Five Thousand) each 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 Khutauna P. S. Case No.139 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than one case and petitioner nos.2 and 3 have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner no.1 has antecedent of more than one case only and petitioner nos.2 and 3 have antecedent of even one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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