

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85831 of 2025

Arising Out of PS. Case No.-737 Year-2025 Thana- BODHGAYA District- Gaya

1. Suraj Vishwakarma Son of Jamahir Mistri Resident of Village -Jahan Bigha, P.S.-Bodhgaya, District -Gaya Jee
2. Pankaj Kumar son of Narendra Vishwakarma Resident of Village -Jahan Bigha, P.S.-Bodhgaya, District -Gaya Jee

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-12-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Bodhgaya P.S. Case No. 737 of 2025, instituted for the offences punishable under Sections 318(4), 3(5) of the BNS, under Section-3/4 of Gambling Act and Section 37 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that the accused were caught gambling during police patrolling and were found in a drunken state. It is further alleged that there is recovery of playing cards and cash as also motorcycle from the spot.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners rather the recovery has been made from the community hall which is a public place and is accessible to public at large. The petitioners have got no concern with the alleged recovery of liquor. The petitioners are in custody since 22.11.2025 and have got clean antecedent. Learned counsel for the petitioners further submits that other co-accused has been granted bail by this Court vide order dated 04.12.2025 passed in Cr. Misc. No. 85095 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bodhgaya P.S. Case No. 737 of 2025, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

krishnakant/-

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

