

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4342 of 2026

Arising Out of PS. Case No.-319 Year-2025 Thana- PATEPUR District- Vaishali

1. Jai Ram Mahto S/O Ram Dev Mahto @ Randev Mahto R/O Village- Harlochanpur Sukki, Post- Sukki, P.S.- Patepur, District- Vaishali, Bihar- 843114.
2. Subham Kumar @ Munna Kumar S/O Karpuri Mahto R/O Village- Harlochanpur Sukki, Post- Sukki, P.S.- Patepur, Distt.- Vaishali, Bihar- 843114.
3. Upendar Mahto S/O Hari Visun Mahto R/O Village- Harlochanpur Sukki, Post- Sukki, P.S.- Patepur, Distt.- Vaishali, Bihar- 843114.
4. Karpuri Mahto S/O Hari Visun Mahto @ Upendra Mahto R/O Village- Harlochanpur Sukki, Post- Sukki, P.S.- Patepur, Distt.- Vaishali, Bihar- 843114.
5. Sima Kumari W/O Vikash Kumar @ Laloo R/O Village- Harlochanpur Sukki, Post- Sukki, P.S.- Patepur, Distt.- Vaishali, Bihar- 843114.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-01-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126, 115(2), 132, 121(1), 121(2) and 127(2) of the BNS as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioners no. 2,



3, 4 and 5 are persons with clean antecedent and petitioner no. 5 is a woman and allegation is of recovery of 1.125 litres of liquor from the house of Vikash Kumar.

4. 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 the alleged recovery is from a place which does not belong to the petitioners and petitioners have no concern or relation with Vikash Kumar and it is alleged that when Vikash Kumar was apprehended the accused persons including the petitioners came at the place of occurrence and tried to free Vikash Kumar and even set the police vehicle on fire but then it is submitted that allegation of setting the police vehicle on fire is general and omnibus in nature. It is further submitted that since petitioners have no concern or relation with Vikash Kumar, as such, there was absolutely no occasion for the petitioners to indulge in any kind of unlawful activity. It is next submitted that since ruckus was being created and the petitioners reside nearby to the place of occurrence, as such, out of inquisitiveness, they came to the place of occurrence to witness the occurrence when they came to be implicated.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their 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.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 Patepur (Harlochanpur) P.S. Case No. 319 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than one case and petitioners no. 2 to 5 have antecedent of even one case, it would be presumed that petitioners had concealed their antecedent before this Court at para 3 of the anticipatory bail application in that event the provisional anticipatory bail order shall not be confirmed but if it is found on verification that petitioner no. 1 has antecedent of only one case and petitioners no. 2 to 5 are persons with clean antecedent in that event the



provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioners based on instruction submits that petitioners undertake to deposit an amount of Rs.5,000/- with the Advocate Association of the Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

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