

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8343 of 2026

Arising Out of PS. Case No.-70 Year-2025 Thana- KARANDAY District- Sheikhpura

1. BADHO KEWAT S/o Late Sobhan Kewat R/o vill - Girihinda, P.S.- Sheikhpura, Distt.- Sheikhpura
2. Pankaj Kewat @ Pankaj Kumar S/o Mahendra Kewat R/o vill - Girihinda, P.S.- Sheikhpura, Distt.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1 (Badho Kewat), 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 Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1 (Badho Kewat).

5. The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Section 191(2), 191(3), 190, 109, 115(2), 126(2), 324(3), 263(b), 121(1), 132 of the B.N.S. and Section 45 of the Excise Act.



6. Learned counsel for the petitioner submits that the petitioner no. 2 has antecedent of one case under the Excise Act and allegation is of recovery of 1 litres of liquor along with 10 litres semi prepared liquor from Siani village and one Shanti Devi was apprehended and thereafter 20-25 people gathered including the petitioner and started assaulting the police and even damaged the vehicle and forcefully freed Shanti Devi, further, in the assault, the policeman received injury.

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. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is general and omnibus in nature. It is also submitted that since petitioner resides nearby the place of occurrence, as such, he out of inquisitiveness came to the place of occurrence to witness the occurrence, when he came to be implicated.

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. 2 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. 5,000/- (Rupees Five 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 Karanday P.S. Case No. 70 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 no. 2 and in the event if it is found that petitioner no. 2 has antecedent of more than one case then it would be presumed that petitioner no. 2, 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 no. 2 has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith with respect to petitioner no. 2.

(Satyavrat Verma, J)

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