

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8366 of 2026

Arising Out of PS. Case No.-614 Year-2025 Thana- BIDUPUR District- Vaishali

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Mithalesh Kumar Son of Chandeshwar Ray R/O Vill.- Pakri Naya Tola, P.S.-
Bidupur, District – Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bidupur P.S. Case No. 614 of 2025 dated 10.10.2025
registered for the offences punishable under Sections 303(2),
317(5) and 111 of the B.N.S.

3. The prosecution case is to the effect that the police
received an information that two tempo were standing with
country made chulai liquor which was brought by the liquor
trader, Mithalesh Kumar (petitioner) and on search, two tempo
were recovered. The local villagers disclosed that the same



belonged to the petitioner and it had been brought after committing theft.

4. The learned counsel for the petitioner submits that petitioner has falsely been implicated at the behest of the local villagers due to enmity. It has further been submitted that the stolen tempo was recovered from an open field and not from the possession of the petitioner. It has also been submitted that the petitioner is neither the owner nor the driver of the seized tempo and he has no concern whatsoever with the seized vehicles. It has further been submitted that the allegation of petitioner being a trader of liquor is also false. It has lastly been submitted that the petitioner has clean antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid submissions made by the parties and taking into account the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor



court in connection with Bidupur P.S. Case No. 614 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in



the name of verification.

7. It is made clear that the observations, if any, made
in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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