

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11284 of 2026

Arising Out of PS. Case No.-48 Year-2025 Thana- SHIKARGANJ District- East Champaran

Manish Kumar, S/o- Lalbabu Sah, Resident of village-Sirauna P.S. Shikarganj
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

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. Petitioner apprehends his arrest in connection with Shikarganj P.S. Case No. 48 of 2025 registered for the offences under Sections 126(2), 132, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 45 of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The prosecution case is to the effect that the petitioner, along with five to six persons who were in drunken state, were abusing the pedestrian and were creating ruckus and when the police tried to stop them, they even abused the police party.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case at the behest



of the co-villagers. It has further been submitted that the allegation in the FIR is that the petitioner fled from the place of occurrence after abusing the local people and the police. It has next been submitted that the petitioner was not found to be in an inebriated condition, and there is no evidence on record to suggest the same. It has also been submitted that the procedure as contained in the Section 103 and 105 of the B.N.S.S have not been followed. It has lastly been submitted that the petitioner has one criminal cases against his name.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 Shikarganj P.S. Case No. 48 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 B.N.S.S.



as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (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 is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

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

(Sourendra Pandey, J)

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