

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25105 of 2026

Arising Out of PS. Case No.-176 Year-2025 Thana- PIPRAHI District- Sheohar

1. Sadhu Bharti Son of Niranjana Bharti Resident of village- Dekuli Dharampur PS - Piprahi Dist- Sheohar
2. Mintu Bharti @ Mintu Kumar Son of Niranjana Bharti Resident of village- Dekuli Dharampur PS - Piprahi Dist- Sheohar
3. Dhiraj Kumar Bharti @ Dhiraj Kumar Son of Awadehesh Bharti Resident of village- Dekuli Dharampur PS - Piprahi Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-04-2026 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 191(2), 190, 126(2), 115(2) and 192 of the BNS as well as Section 45 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioners no. 2 and 3 have antecedent of one case under the Excise Act and allegation is of recovery of 3.9 litres of liquor from a water tank room.

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. It is further submitted that petitioners came to be implicated at the instance of the Chawkidar with whom they are on an inimical term. It is next submitted that if the Chawkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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 appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender 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 Piprahi P.S. Case No. 176 of 2025, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C./482(2) of the B.N.S.S.

7. However, 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 even one case and petitioners no. 2 and 3 have antecedent of more than 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 is a person with clean antecedent and petitioners no. 2 and 3 have antecedent of only one case, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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