

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23346 of 2026

Arising Out of PS. Case No.-20 Year-2026 Thana- AYARKOTHA District- Rohtas

Kundan Kumar S/O Birendra Upadhyay @ Birendra Kumar Upadhyay
Resident of Village- Maudiha, P.S.- Ayarkotha, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-04-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 132, 74, 352, 351(2) and 3(5) of BNS and Section 37 of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that during course of vehicle checking, a swift car was stopped and when the driver was asked to show driving license and dickey of the car, the accused persons started scuffling with the police and fled away along with the car while other two accused were directed to undergo breath analyzer test, when they again scuffled with the police, but then after breath analyzer test,



Piyush was found positive with 83 mg/100 and Sonu found with zero alcohol.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that entire allegation hinges around suspicion.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner 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 Ayarkotha P.S. Case No. 20 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than one case then it would be presumed that petitioner, 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 has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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