

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39118 of 2026

Arising Out of PS. Case No.-49 Year-2026 Thana- KADIRGANJ District- Patna

1. Nakul Kumar S/o Ramesh Paswan @ Tunu Paswan R/o Village - Sewai, P.S. - Kadirganj, Dist. - Patna.
2. Ramesh Paswan @ Tunu Paswan S/o Bahadur Paswan R/o Village - Sewai, P.S. - Kadirganj, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kadirganj P.S. Case No. 49 of 2026, registered for the offences punishable under Sections 190, 324(3), 324(4), 352 & 132 of the B.N.S. and Section 37 of the Bihar Prohibition and Excise Act 2022 (Amended).

3. In course of investigation in connection with Kadirganj P.S. Case No. 48 of 2026, when the police reached in the village, the FIR named accused persons, including the petitioners along with 4-5 unknown person started pelting stones and damaged the police vehicle. The police further apprehended



one person, who was found in intoxicated position.

4. Learned Advocate for the petitioners submitted that so far the allegation of pelting stones is concerned, only because of the fact that the petitioners were present at the place of occurrence and some altercation had taken place between the police and family members of the accused persons, their names have been implicated in this case. So far Section 37 of the Bihar Prohibition and Excise Act 2022 Amendment Act is concerned, the same is not attracted against the petitioners. The witnesses are also none-else but the police personnel and, as such, false implication of the petitioners cannot be ruled out. Moreover, the petitioners bear one criminal antecedent, however, they are on bail in the said case. It is lastly contended that the petitioners are ready to fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioners have deterred the police personnel to discharge their duty and also damaged the police vehicle.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the omnibus nature of allegation, coupled with fact that in the said incidence none has sustained any injury, besides the



undertaking rendered by the petitioners that they will fully co-operate in the proceeding of the Court, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, Excise-II Patna, in connection with Kadirganj P.S. Case No. 49 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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