

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38433 of 2026

Arising Out of PS. Case No.-80 Year-2026 Thana- KASIMBAZAR District- Munger

1. Balmiki yadav Son of Late M.P. Yadav Resident of Village - Chuabagh, P.S.- Kashimbazar, District- Munger.
2. Ankit Yadav Son of Nawal Yadav @ Nawal Kishor yadav Resident of Village - Chuabagh, P.S.- Kashimbazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-06-2026 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 126(2), 127(2), 109(1), 132, 121(2), 263(a), 191(3), 190, 352, 351(2) and 3(5) of the BNS, 2023 read with Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and allegation is of recovery of 2 liters of liquor from vacant land of Chatir Sharma.

4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners. It is further submitted that informant alleges that petitioner no. 2 was apprehended, but then a crowd gathered and they acted inappropriately with the police and even assaulted on account of which petitioner no. 2 escaped from police custody. It is submitted that petitioners have been falsely implicated in the instant case with general and omnibus allegation and petitioner no. 2 was never arrested.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is a specific allegation in the FIR that petitioner no. 2 was arrested and he escaped on intervention of local person including the petitioner no. 1 and others, but then fairly submits that allegation is general and omnibus against the other accused persons.

6. After hearing the learned counsel for the parties, the petitioner no. 1 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. 500/- (Rupees Five Hundred) 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 Kasim Bazar P.S. Case No. 80 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 no. 1 and in the event if it is found that petitioner no. 1 has antecedent of even one case then it would be presumed that petitioner no. 1, 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 no. 1 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. However, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no. 2.

(Satyavrat Verma, J)

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