

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38519 of 2026

Arising Out of PS. Case No.-144 Year-2026 Thana- GAYA MUFASIL District- Gaya

1. Jitendra Kumar S/O Girani Prasad R/O Village - Baradih P.S.- Muffasil, District - Gaya ji
2. Uday Kumar S/O Nathun Yadav R/O Village- Chutiya Pandey, PS-M.M.C.H., Distt-Gaya ji
3. Puniya Devi W/O Rayat Bind R/O Village - Ajamatganj, P.S.- Paraiya, District - Gaya ji
4. Shailesh Kumar S/O Ramotar Prasad R/O Village - Lakhanpur, P.S.- Muffasil, District - Gaya ji
5. Ajay Kumar Chaudhary @ Ajay Chaudhary S/O Barho Chaudhary R/O Village - Bhusunda, P.S.- Muffasil, District - Gaya ji
6. Shankar Bind S/O Ishwar Bind R/O Village - Bhusunda, P.S.- Muffasil, District - Gaya ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushp Raj Singh
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-06-2026 1. Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 318(4), 112(2) and 61(1) of the B.N.S. and Section 11 of the Bengal Gambling Act, 1867 and Section 30(A) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.3 is a woman and the allegation is of recovery of 2.55 litres of



liquor from a place near the gate of Ajay Chauhan's house and 22 vehicles parked near the gate of the said house were also seized.

4. The 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 alleged recovery is from a place, which does not belong to the petitioners, but then is adjacent to the house of Ajay Chauhan and they came to be implicated based on the fact that they are owner of six of the seized vehicles. It is next submitted that no prudent person would use their own vehicle for committing a crime and thus, would create evidence against themselves and hence, would get implicated. It is also submitted that it does not appear probable that 22 vehicles would have been used for carrying 2.55 liquor which amply demonstrates that the manner in which police investigates and implicates.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) 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 Muffasil P. S. Case No.144 of 2026, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioners are persons with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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