

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52788 of 2026

Arising Out of PS. Case No.-174 Year-2017 Thana- GUTHANI District- Siwan

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1. Nandji Bhar @ Nand Ji Rajbhar S/o Thag Bhar R/o Village - Gyaspur, P.S. - Guthani, Dist. - Siwan, Bihar, Pin - 841402.
 2. Baleshwar Rajbar S/o Naresh Rajbhar R/o Village - Gyaspur, P.S. - Guthani, Dist. - Siwan, Bihar, Pin - 841402.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Sinha

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2, namely, Baleshwar Rajbhar, who was arrested.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.2, namely, Baleshwar Rajbhar.

5. The petitioner no.1 seeks bail in anticipation of his arrest in a case registered for the offences punishable under



Sections 272, 273 and 34 of the I.P.C. and Sections 30(a), 38(a) and 41(1) of the Excise Act.

6. The learned counsel for the petitioner submits that the petitioner no.1 is a person with clean antecedent and allegation is of recovery of 13.200 litres of liquor from a place near Shivji Temple

7. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and he came to be implicated based on statement of Jeevika Didi before the police which does not have any evidentiary value.

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

9. Considering the submissions made by the learned counsel for the petitioner, the **petitioner no.1**, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum 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 Guthani P. S. Case No.174 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his 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 petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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