**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.75878 of 2026**

**CNR No. BRHC011101282026**

Arising Out of PS. Case No.-240 Year-2026 Thana- SHYAMPUR BHATHAN District-Sheohar

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Rakesh Kumar @ Rakesh Kumar Chaudhri Son of Jagarnath Chaudhri @ Harishankar Chaudhari Resident of Village - Phulkahan, P.S.- Shyampur Bhatha, District - Sheohar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mrs. Madhubala Verma, Advocate |
| | : | Mr. Ajay Kumar Verma, Advocate |
| | : | Mr. Chitransh Raj, Advocate |
| For the State | : | Mr. Pradeep Narain Kumar, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2 04-11-2026 Heard Mr. Chitransh Raj, learned counsel for the petitioner and learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Shyampur Bhatha P.S. Case No. 240 of 2026 registered for the offence under Sections 126(2), 115(2), 303(2), 132, 118(2), 121(2), 351(2), 191(2) and 191(3) of the B.N.S. and section 45 of the Bihar Prohibition and Excise Act, lodged on 01.09.2026 by the informant, Sudama Kumar.

3. As per the prosecution story, the informant alleged that on information that the accused persons including the petitioner are selling the liquor, they tried to intercept. The

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accused managed to escape and when the Police chased them, in the crowded field, they resorted to assault the Policemen with the help of those crowd present in the mohalla. The driver threatened injuries. This led to the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner has a shop in the mohalla, was an on looker but got implicated, neither he has criminal antecedent nor there is any recovery of liquor to show that the allegation was correct. However, submission is that the allegation of injury to the driver has been recorded in the F.I.R., again, no injury is there. The last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.3,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the Chief Minister’s Relief Fund to be submitted at the time of execution of bail bond.

5. Learned APP opposes the prayer submitting that as per the allegation he was in the business of liquor and also resorted to assault.

6. Considering the submissions of the parties as also the fact that the petitioner do not have criminal antecedent nor any injury report is on record, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject

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to payment of Rs.3,000/- by Demand Draft issued by the local branch of State Bank of India/any Nationalized Bank to the Chief Minister's Relief Fund to be submitted at the time of execution of bail bond.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Sheohar, in connection with Shyampur Bhatha P.S. Case No. 240 of 2026 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

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(iv) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

**(Rajiv Roy, J)**

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