

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79763 of 2025

Arising Out of PS. Case No.-650 Year-2025 Thana- BIKRAMGANJ District- Rohtas

1. Rajesh Yadav @ Rajesh Kumar S/O Suresh Yadav @ Suresh Singh R/O Village- Ghusiya Kala, P.S.- Bikramganj, Dist.- Rohtas
2. Amar Kumar S/O Lakshman Singh R/O Village- Ghusiya Kala, P.S.- Bikramganj, Dist.- Rohtas
3. Radha Yadav @ Ravi Ranjan Kumar S/O Vishwanath Yadav @ Vishwanath Singh R/O Village- Ghusiya Kala, P.S.- Bikramganj, Dist.- Rohtas
4. Rakesh Kumar S/O Suresh Yadav @ Suresh Singh R/O Village- Ghusiya Kala, P.S.- Bikramganj, Dist.- Rohtas
5. Vikash Kumar S/O Vijay Singh R/O Village- Ghusiya Kala, P.S.- Bikramganj, Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-01-2026 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), 115(2), 109, 132, 262, 263, 352 and 3(5) BNS, 2023 and Section 45 of Bihar Prohibition and Excise Amendment Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of three cases under the Excise Act and petitioner no.2, 3 and 4 are persons with clean



antecedent and petitioner no.5 has antecedent of one case under the Excise Act. It is next submitted that informant alleges that on 19.09.2025 he received a secret information 4-5 persons were sitting in a room adjacent to the poultry farm of Rajesh in an intoxicated condition, accordingly, police reached the place of occurrence and on enquiry, it transpired that accused were drunk as such the police asked them to get their breath analyzed on which they raised an alarm, when nearby people gathered and they tried to free the arrested persons and also freed them and a constable Prem Kumar sustained injury.

4. Learned counsel submits that petitioners petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no liquor was recovered from the place of occurrence rather it is alleged that 4-5 unknown accused were found sitting in an intoxicated condition and when they were apprehended, nearby people appeared and freed them. It is also submitted that allegation of assault is general and omnibus in nature and petitioner came to be implicated at the instance of chowkidar. It is further submitted that in cases relating to excise the police implicates either at the instance of chowkidar, local person, secret



information or confessional statement without holding proper investigation in a mechanical manner, more so when petitioner no.2, 3, and 4 are persons with clean antecedent.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.25,000/- (Twenty Five thousand) 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 Bikramganj P.S. Case No.650/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

6. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 has antecedent of more than three cases, petitioner no.2, 3, 4 have antecedent of even one case and petitioner no.5 has antecedent of more than one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the



provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent does not tally but if after verification the criminal antecedent as recorded hereinabove tallies with the petitioners in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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