

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86280 of 2025**

Arising Out of PS. Case No.-105 Year-2025 Thana- ARIYARI District- Sheikhpura

Diwakar Kumar S/O Pappu Tanti @ Pappu Kumar Resident of village - Karan Bigha, P.S. - Noorsarai, District - Nalanda(Sheikhpura wrongly mentioned in Impugned order)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajnish Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      23-02-2026                      Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offences punishable under Sections 127(2), 109, 140(1) and 3(5) of B.N.S., 2023 as well as Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent. It is next submitted that in sum and substance the allegation is that informant alleges that an attempt was made to abduct him but then the car by which he was abducted after going some distance stopped and a passerby saw the accused persons including the informant, as such, the accused persons leaving the informant and the car fled



and from the car 0.750 litre of liquor was also recovered.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that the informant alleges that while he was going to his clinic when he was intercepted by the accused persons who made an attempt to abduct him. It is next submitted that if the FIR is read in its entirety, it would manifest that the informant also alleges that the accused persons threatened that since their patient died on account of his negligence, as such, he should be killed. It is thus, submitted that since a patient had died on account of negligence of the informant hence, an altercation had taken place in between the informant and the accused persons but when villagers gathered the petitioner and other accused fled leaving the car. It is next submitted that as far as allegation of recovery of liquor is alleged, the same is ornamental to give seriousness to the case. It is also submitted that petitioner is not the owner of the vehicle which was seized. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned APP for the State opposes the anticipatory



bail application.

6. Considering the submissions made by learned counsel for the petitioner, let petitioner, above named, in the event of his arrest or surrender within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura in connection with Ariyari P.S. Case No.105 of 2025, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

**(Satyavrat Verma, J)**

*Sanjay/-*

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