

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91052 of 2025

Arising Out of PS. Case No.-1052 Year-2025 Thana- MAHUA District- Vaishali

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1. Ravi Kumar S/O Bashishth Ray R/O Village- Parsaunia, P.S- Mahua, Distt.- Vaishali.
 2. Raushan Kumar S/O Bashishth Ray R/O Village- Parsaunia, P.S- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar \

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2026 1. Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1 Ravi Kumar.

3. Permission is accorded.

4. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner no. 1 Ravi Kumar.

5. The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 132, 109, 262, 263, 352, 351(2) of BNS



and Section 30(a) of the Bihar Excise Act.

6. Learned counsel for the petitioner submits that the petitioner has antecedent of four cases out of which one case is under the Excise Act and allegation is of recovery of 12.09 litres of liquor from shop Bashisht Ray.

7. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is son of Bashisht Ray. It is further submitted that Ravi Kumar was apprehended by the police along with Bashisht Ray, but then the accused persons including the petitioner made him free from the police custody. It is also submitted that since petitioner has antecedent of one case under the Excise Act, as such in a mechanical manner he came to be implicated, when it is not a case of the prosecution that petitioner was apprehended along with Ravi Kumar.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner No. 2, Raushan Kumar , in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on Provisional anticipatory bail on furnishing bail bonds of Rs.



20,000/- (Rupees Twenty Thousand) 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 Mahua P.S. Case No. 1052 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

10. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioner no. 2 and in the event if it is found that petitioner no. 2 has antecedent of more than four cases then it would be presumed that petitioner no. 2, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner no. 2 has antecedent of four cases in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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