

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10737 of 2025

Arising Out of PS. Case No.-257 Year-2024 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Abhyas Kumar Ray @ Abhyas Kumar S/o Jivaksh Ray @ Ram Jeevan Ray
Resident of village- Mahamadipur, Chouk, Bochaha, PS- Mohiuddinnagar,
District- Samastipur
 2. Gauddu Ray @ Aditya Kumar @ Atish Kumar @ Guddu S/o Jivaksh Ray @
Ram Jeevas Ray Resident of village- Mahamadipur, Chouk, Bochaha, PS-
Mohiuddinnagar, District- Samastipur
 3. Rupesh Kumar @ Rupesh Ray S/o Ramji Ray Resident of village-
Mahamadipur, Chouk, Bochaha, PS- Mohiuddinnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Adv.
Mr. Barun Kr. Singh, Act.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-05-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Mohiuddinnagar P.S. Case No. 257 of 2024 for the offence
registered under sections 126(2), 115,(2), 118(1), 109, 303(2),
352, 351(2), 351(3), 3(5) of B.N.S., 2023 lodged on 10.11.2024
by the informant Ramdev Ray.

3. As per the prosecution story, the informant alleged
that while his son was getting his motorcycle puncture repaired,
the accused persons armed variously came and assaulted as a



result whereof, he became unconscious. The allegation of taking away gold chain is also there. The Police 112 was called and took him to Mohiuddinnagar Primary Health Centre for treatment, which led to the FIR.

4. Learned Counsel for the petitioners submit that omnibus allegation is against 20-25 persons including named accused (the petitioners herein), none of them have criminal antecedent, injury has been found to be simple in nature and further without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/-each (totaling Rs. 15,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. The last undertaking is that if granted relief, they shall be visiting the Mohiuddinnagar Police Station for a week everyday for two hours to clean the campus and at the end of the week, shall be planting sapling if allowed by the SHO of the said Police Station.

6. Learned APP for the State, on the other hand,



opposes the prayer for anticipatory bail submitting that the son of the informant was assaulted without any provocation and the allegation amongst other is/are against these petitioners.

7. Considering the aforesaid submissions as also the injury report which has been found to be simple in nature, number of accused have been alleged to assault the informant, they shall be facing the trial, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 5,000/- each (totaling Rs. 15,000/-) to Ramdev Ray as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. The petitioners further shall be visiting the Mohiuddinnagar Police Station for a week every morning for two hours to clean the campus and at the end of the week, shall be planting a sapling in the said campus. The SHO shall thereafter be submitting a report as to whether the petitioners visited the said place regularly for seven days and cleaned the campus for two hours or not and further, they be allowed to plant a sapling at the end of week.

8. Failure to do so, the prosecution shall be free to take immediate steps for the cancellation of their bail bond.



9. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Samastipur in connection with Mohiuddinnagar P.S. Case No. 257 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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;



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

10. Let the name of Mr. Jitendra Kumar Singh, learned APP appear in the cause list and both the petitioner as also the learned APP shall be submitting a report on the visit of the petitioners to the Police Station as also the planting of the sapling in the said campus.

11. List this case on 04. 07.2025 under the heading ‘To Be Mentioned’.

(Rajiv Roy, J)

Vijay Singh/-

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