

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47579 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- HASANPUR District- Samastipur

Ram Kinkar Ray S/o Late Ram Ragho Ray Village-Deodha, P.S. - Hasanpur,
District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Adv
For the Informant	:	Mr. Pampy Kumari, Adv
For the Opposite Party/s	:	Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 04-12-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 126(2), 115(2), 352, 305(a), 109(1), 331(2) and 117(2) and 3(5) of the B.N.S.

3. The case of the prosecution is that the petitioner along with others have assaulted the family members of the informant by means of iron rod, lathi and pistol. When the mother-in-law of the informant came to rescue, she was also assaulted by the petitioner and the co-accused Rama Shankar by means of lathi.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It has further been submitted that the date of occurrence is 09.11.2024 but the present FIR was lodged on 29.12.2024, there is much delay in lodging the FIR without giving any plausible reason for the same. It has also been submitted that prior to this case, the son of the deceased has filed a complaint bearing Complaint Case No. 817 of 2024 for the said occurrence, wherein he has stated the petitioner was armed with iron rod, whereas in the FIR it has been stated that the petitioner has assaulted with lathi. Regarding the co-accused Deepak Ray, in the complaint, it has stated that he was armed with iron rod, whereas, in the FIR it has stated Deepak Ray has assaulted with pistol.

5. Learned counsel for the petitioner has next submitted that there is material contradiction in the first version of the prosecution and the FIR. From perusal of the post mortem report it is evident that the doctor has found only one old fracture in left tibia and the wound of the tibia was foul smelling with yellowish pus like collection seen over base and margin and the cause of death is septicemia and shock due to severe infection of above mentioned old injury of left tibia. It has further submitted that there is allegation on three persons of



assaulting the deceased but only one injury was found in post-mortem report and there is material contradiction in the complaint and in the FIR regarding the weapon which was being held by the petitioner. It has next been submitted that there is land dispute between the parties and a title suit bearing Title Suit No. 214 of 2017 is pending between them. Moreover, the petitioner is languishing in judicial custody since 05.04.2025.

6. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that the petitioner is having criminal antecedent of four cases and there is direct allegation against the petitioner that he has assaulted the deceased and mother in law of the informant.

7. learned counsel for the petitioner has stated countering the argument of the learned counsel for the informant that the nature of allegation are general and omnibus. It has further submitted that similarly situated five co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 06.08.2025 passed in Cr. Misc. No. 48343 of 2025.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Hasanpur P.S. Case No. 160 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IInd, Samastipur/concerned trial Court.

9. Accordingly, the application stands allowed.

(Ashok Kumar Pandey, J)

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