

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51588 of 2025

Arising Out of PS. Case No.-46 Year-2025 Thana- MAHNAR District- Vaishali

Arjun Ray S/o Late Hira Ray R/o Village- Lodipur, P.S.- Mahnar, District-
Vaishali at Hajipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Mahnar P.S. Case No. 46 of 2025 registered for the alleged offences under Sections 103, 3(5) of B.N.S.

3. As per prosecution case, the petitioner and other co-accused persons surrounded the son and grandson of the informant and assaulted them with lathi and iron rod. On order being given by this petitioner, other co-accused persons assaulted on the head of the grandson of the informant with bamboo causing his death.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. From the



FIR it is apparent that the informant is not an eye witness as it is very surprising that the informant, who is aged about 70 years, on receiving the information at 7.00 PM ran towards the place of occurrence which is 3 km away from the village and found all the accused persons assaulting his son and grandson and identified all of them even in darkness as it was dark fortnight of the month. It is also surprising that the informant did not raise any alarm, did not intervene and allowed his grandson to be assaulted by the petitioner and co-accused persons and allowed him to die. Learned counsel further submits that the son of the petitioner, namely, Akhlesh Rai @ Golu Rai is himself a veteran criminal and he has been absconding and for this reason, his statement was not recorded by the police during investigation. Moreover, only allegation against the petitioner is that he was merely an order giver. Though, specific allegation of assault with bamboo on the head of the deceased is against co-accused Manish Kumar @ Guddu, Bablu Kumar Rai and Rahul Kumar, but the postmortem report shows only one injury on head. The allegation of repeated blow by bamboo is thus falsified. Learned counsel further submits that the petitioner is having clean antecedent and he is in custody since 06.02.2025 and charge sheet has been submitted.



5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner and other co-accused persons after making unlawful assembly assaulted the grandson of the informant causing his death.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner said to be only an order giver and the co-accused persons are stated to be the person, who gave fatal blow to the grandson of the informant and further considering the doubtful nature of allegation against the petitioner, his clean antecedent, period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned Court in connection with Mahnar P.S. Case No. 46 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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