

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70706 of 2025

Arising Out of PS. Case No.-102 Year-2025 Thana- HALAI District- Samastipur

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Bipin Kumar Rai @ Bipin Rai S/O Mahendra Rai R/O Village- Chaklalsahi,
P.S.- Halai, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Halai P.S. Case No. 102 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 118(1), 109(1), 303(2), 352, 351(2), 351(3), 3(5) of the BNS Act, 2023.

3. As per prosecution case, informant was erecting pillar on his land, meanwhile co-accused Guddu Rai and Mahendra Rai came there and threatened the informant that if Rs. 5 lakh was not delivered by evening, he would be killed. Thereafter, informant made oral complaint to the officer-in-charge of Halai Police Station regarding the said incident. On the next day, four accused persons including the petitioner



armed with khanti and iron rod came and started abusing the informant. It is alleged that co-accused Guddu Rai assaulted the informant upon his head by means of khanti and co-accused Mahendra Rai assaulted the informant upon his neck as a result of which informant sustained injury. It is further alleged that co-accused Bigan Rai snatched gold ring studded with diamond worth Rs. 1 lakh from the hand of informant. It is further alleged that petitioner snatched Rs. 10,000/- from the pocket of informant.

4. Learned counsel for the petitioner submits that genesis of FIR clearly reflects that there was land dispute between the informant and co-accused. He further submits that from the perusal of FIR, it is crystal clear that the allegation of assault is attributed against co-accused Guddu Rai and Mahendra Rai rather the allegation against the petitioner is general and omnibus in nature. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that petitioner and informant are neighbor and due to village dirty politics petitioner has falsely been implicated in this case. Petitioner has nothing to do with the alleged occurrence. He further submits that the allegation of snatching against the petitioner is nothing



but super addition. Petitioner bears no criminal antecedent. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that there is allegation of snatching Rs. 10,000/- from the pocket of informant against the petitioner and he cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, no specific overt-act of assault is attributed against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 District and Additional Sessions Judge IX, Samastipur in connection with Halai P.S. Case No. 102 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.



7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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