

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85300 of 2025

Arising Out of PS. Case No.-178 Year-2025 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Manish Ray @ Manish Kumar S/o Rajdev Roy @ Raj Dev Ray Resident of
- Ramaiya, P.S - Moniuddin Nagar, District - Samastipur
 2. Rajnish Ray @ Rajneesh Ray @ Rajnish Kumar S/o Raj Dev Roy @ Rajdev
Roy Resident of - Ramaiya, P.S - Moniuddin Nagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 24-12-2025 Heard learned Advocate for the petitioners, learned
Advocate for the informant and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mohiuddinnagar P.S. Case No. 178 of 2025 dated 20.08.2025, registered for the offences punishable under Sections 189(2), 189(4), 191(1), 191(2), 191(3), 126(2), 127(2), 115(2), 109(1), 324(4), 324(5), 329(3), 329(4), 352, 351(2) and 351(3) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. The allegation against the petitioners is of causing indiscriminate firing along with other accused persons and ransacking the household articles, besides damaging the vehicle of the informant.



4. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR contended that only on account of political rivalry the name of the petitioners have been instituted in this case. So far as petitioner no. 1 is concerned, he is none else but one of the candidates of *Mukhiya* whereas, petitioner no. 2 is said to be the brother of the petitioner no. 1, who are facing grudge of their opponents. Prior to the alleged occurrence, the persons of the informant's side have also instituted other FIRs maliciously against the petitioners, however, in the case at hand there is no specific accusation against the petitioners. The prayer for bail of the petitioners were only negated because of their criminal antecedent as has been disclosed in the paragraph no. 3 of the bail application.

5. On the other hand, learned Advocate for the State and the informant vehemently opposed the pre-arrest bail application and submits that the petitioner no. 1 bears 10 criminal antecedent, whereas petitioner no. 2 is carrying 5 criminal antecedent. It has also been stated that the petitioners have actively participated in the crime and made indiscriminate firing. However, the informant was fortunate enough that he did not receive any injury.



6. Regard being had to the submissions advanced by the learned Advocates for the respective parties and taking note of the nature of accusation, coupled with the criminal antecedents of the petitioners as also the mandate of the Apex Court specifically the decision rendered in the case of *Lavesh v. State (NCT of Delhi)*, reported in *(2012) 8 SCC 730*, this Court is not acceded to the anticipatory bail of the petitioners. Accordingly, the same stands rejected.

7. However, if the petitioners surrender before the learned trial Court preferably within a period of four weeks from today, their prayer for bail shall be considered without being prejudiced by the order of this Court.

(Harish Kumar, J)

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