

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9662 of 2026

Arising Out of PS. Case No.-328 Year-2025 Thana- BIBHUTIPUR District- Samastipur

1. Ram Udgar Ray, S/O Late Ram Raksha Ray @ Ram Briksha Roy Resident of village- Dih Tabhka, ward no 3, P.s.- Bibhutipur, District- Samastipur
2. Avinash Ray @ Avinash Kumar, S/O Ranjit Ray Resident of village- Dih Tabhka, ward no 3, P.s.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sonia Narayan Sinha, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 24-02-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Bibhutipur P.S. Case No. 328 of 2025 registered for the offences under Sections 126(2), 115(2), 109, 303(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation against the petitioners is that they have assaulted the informant with iron rod and the co-accused have also assaulted and had snatched away the gold chain.

4. Learned counsel for the petitioners submits that the allegations levelled against the petitioners are palpably false and the incident as alleged had not occurred. It has further been submitted that for the same occurrence a counter case has been



lodged on behalf of the petitioner, filed by the petitioner no.1. It has next been submitted that even if the allegations are taken at its face value, it would appear that the allegations are general and omnibus in nature and the injury report, which has also been recorded in the impugned order, states that the injuries were found to be simple in nature and hence no case under Section 109 of the BNS is made out. It has lastly been submitted that it was on account of the old dispute, the present FIR has been lodged against the petitioners, who carry clean antecedents.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Bibhutipur P.S. Case No. 328 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S.



as well as subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be their close relative.
- (ii) The petitioners shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.
- (iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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