

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9189 of 2026

Arising Out of PS. Case No.-159 Year-2025 Thana- MORKAHI District- Khagaria

Vindeshwari Ray @ Vindeshwari Roy Son of Late Jagarnath Roy Resident of
village- Ward no. 6, Rasaunk, Ps- Morkahi, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Morkahi P.S. Case No. 159 of 2025 dated 27.10.2025 registered for the offences punishable under Sections 126(2), 115(2), 109(1), 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, due to a dispute over agricultural land, on 24.10.2025 at about 9:30 P.M., the petitioner and others allegedly assembled in the street armed with lathi and iron rods. It is alleged that when the informant's husband reached there, the accused persons caught hold of him and dragged him and at the behest of the petitioner, co-



accused namely, Ravish Kumar, Ajay Patel @ Nitish and Pankaj Kumar assaulted the informant's husband on his head by means of iron rod as a result of which he sustained head injury. When the informant and her sister in law (nanad) tried to intervene, they were also assaulted. It is further alleged that during the occurrence, a gold chain worth Rs. 50,000/- was snatched from the neck of the informant's husband.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. From the perusal of F.I.R., it appears that the occurrence took place on 24.10.2025 and the F.I.R. was registered on 27.10.2025 i.e. after delay of about three days and no plausible explanation has been given regarding the same delay, which creates doubt on the prosecution story. It is further submitted that there is case and counter case between the parties. Learned counsel submits that from perusal of the F.I.R., several persons are alleged to have assaulted the informant's husband, but only two injuries have been found, which are simple in nature caused by hard and blunt substance. It is submitted that there is no specific overt act attributed to the petitioner except the allegation that he ordered the co-accused persons to assault. The petitioner is



aged about 76 years and has not himself assaulted anyone. It is further submitted that no offence as alleged in the F.I.R. is made out against the petitioner. Petitioner bears one criminal antecedent in which he is on bail.

5. Learned A.P.P. for the State opposed the prayer for anticipatory bail and submits that the petitioner is F.I.R. named accused hence, he cannot escape from the allegations made in the F.I.R.

6. Considering the facts and circumstances of the case, the petitioner is aged about 76 years, there is no specific overt act of assault against the petitioner, the argument advanced on behalf of both sides and also taking into consideration the materials 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 the learned Judicial Magistrate 1st Class, Khagaria in connection with Morkahi P.S. Case No. 159 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.



7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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