

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9829 of 2026

Arising Out of PS. Case No.-257 Year-2025 Thana- DERNI BAZAR District- Saran

1. Vinay Kumar @ Vinay Kumar Ray S/O Raj Kishore Ray R/O Village-
Pirari, P.S.- Derni, District- Saran
2. Kundan Kumar @ Kundan Kumar Ray S/O Raj Kishore Ray R/O Village-
Pirari, P.S.- Derni, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-05-2026 Heard Mr. Ravi Prakash, learned counsel appearing
on behalf of the petitioners and Mr. Abhay Kumar Roy, learned
APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Derni P.S. Case No. 257/2025 registered for the offence(s)
punishable under Sections 126(2), 115(2), 118(1), 109, 74,
303(2), 352, 351(2), 351(3), 3(5) of the BNS.

3. As per the allegation made in the FIR, due to prior
enmity, the petitioners, along with other accused, allegedly
assaulted the informant and his family members with weapons,



causing injuries, and also outraged the modesty of a woman and snatched gold ornaments.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have been falsely implicated in the present case. The petitioners have no concern with the alleged incident and have been falsely implicated due to prior enmity between the parties, who are agnates. So far as, petitioner no. 2, namely Kundan Kumar, is concerned, there is no specific allegation attributed to him and his implication is general and omnibus in nature. However, with regard to petitioner no. 1, namely Vinay Kumar, it is alleged that he assaulted the informant and also inflicted injuries upon the informant's wife and daughters with iron rod. Learned counsel further submitted that there is a case and counter-case between the parties. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that there are specific allegations against petitioner no. 1, Vinay Kumar, of assaulting the informant and



his family members with an iron rod causing injuries, and considering the nature and gravity of the allegations, I am not inclined to enlarge the petitioner no.1 on pre-arrest bail.

7. So far as petitioner no. 2, Kundan Kumar, is concerned, the allegations against him are general and omnibus in nature with no specific overt act attributed to him, and accordingly, I am of the opinion that petitioner no.2 has, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioner no.2, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, 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 Court where the case is pending / Concerned Court in connection with Derni P.S. Case No. 257/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner no.2 and if it is found that the petitioner no.2 is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.



10. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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