

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15817 of 2026

Arising Out of PS. Case No.-184 Year-2025 Thana- MEHSI District- East Champaran

Suraj Ray @ Suraj Kumar S/o- Nawal Kishore Ray R/v- Amwa Bada Po Ps-
Mehsi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 190, 191(2), 191(3),
126(2), 118(1), 118(2), 109 of the B.N.S.

3. The Investigating Officer of the case in compliance
of the order dated 24.03.2026 is present in the Court.

4. The learned counsel for the petitioner submits that
petitioner has antecedent of three cases, out of which, two cases
are under the Excise Act and the informant alleges that on eve of
Tazia, his son had gone out to Kankatti market in the procession
on 06.07.2025, further, at 6 P.M. the informant received an
information that occurrence of assault had taken place in the
procession, thus he went to the place of occurrence and saw



Rajesh, Vasant, Chandan, Pankaj, Jagesh, Bhola, Vikash, Abhishek, Jitu and Sonu were taking his son on a motorcycle with an intent to kill him, being afraid, the informant came back home and informed his neighbour, thereafter, he received a call from his son's mobile and the caller said that his son would be killed and is lying near water tank, accordingly he reached the place of occurrence and saw his son lying in an injured condition.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that he received an information that an occurrence of assault has been taken place in Tazia procession, accordingly, he went to the place of occurrence and saw the named accused persons taking his son away on a motorcycle and out of fear he came back home and informed his neighbour and thereafter he received a call that his son would be killed, it is next submitted that petitioner is not named in the FIR but then he came to be implicated based on the re-statement of the informant recorded by the police after institution of the instant FIR, after 16 days of the occurrence, re-statement of the



informant is recorded at para 53 of the case diary. It is next submitted that no doubt the son of the informant died during the course of treatment but then the petitioner was not involved in the occurrence. It is further submitted that on the day of Tazia procession, an altercation had taken place, on account of which the deceased had assaulted the cousin brother and father of the petitioner, on account of assault, the cousin brother of the petitioner died on the spot and the intestine of the father of the petitioner came out as such, he was rushed to the hospital, it is submitted that since it was the day of festivity and the son of the informant had assaulted two persons and one person died and other was seriously injured, as such the mob gathered and assaulted the son of the informant injuring him. It is next submitted that since cousin brother of the petitioner died and his father became injured hence, the informant by way of afterthought implicated the petitioner in his re-statement recorded at para 53 of the case diary after 16 days of the occurrence. It is also submitted that informant in the F.I.R. has specifically named the accused persons whom he saw taking away his son on motorcycle but then the petitioner was not implicated in the F.I.R. but in his re-statement the informant by way of afterthought apart from implicating the petitioner also



implicated many other accused persons.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

7. Considering the aforesaid facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioner.

8. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on 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, Motihari at East Champaran, in connection with Mehsi P.S. Case No. 184 of 2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. However, it is made clear that if the investigating officer of the case file an application before the learned trial Court bringing to its notice that petitioner despite giving



assurance to this Court is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bond of the petitioner after recording the reason.

10. The personal appearance of the I.O. of the case is dispensed with.

(Satyavrat Verma, J)

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