

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33393 of 2026

Arising Out of PS. Case No.-115 Year-2026 Thana- AHYAPUR District- Muzaffarpur

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Arvind Ray @ Arvind Rai @ Arvind Kumar, Son of Late Bindeshwar Ray,
Resident of Village - Jiyalal Ray Chowk, P.S. - Ahiyapur, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Jha, Adv.
For the Informant	:	Mr. Priya Ranjan, Adv.
		Mr. Anunay Shahi, Adv.
		Mr. Sanjeev Kumar, Adv.
For the State	:	Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioner, the

learned counsel appearing on behalf of the informant and the

learned A.P.P. for the State through *virtual mode*.

2. The petitioner is apprehending his/her arrest in
connection with Ahiyapur P.S. Case No. 115 of 2026 registered
for the offence(s) under Section(s) 329(3), 109, 308(4), 352 and
3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).



3. The allegations against the petitioner is that he along with two others had intercepted the informant and the petitioner is alleged to have abused and ordered the other two persons to kill him. It has been alleged that the other two accused persons, namely, Sanjit Ray and Pratik Ray, fired from their guns, causing injury on the leg of Subodh Kumar, the father of the informant.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case in retaliation to the long standing dispute between the two persons. It has been submitted that earlier also in the year 2023, one case was lodged by the petitioner against the informant and others for which Ahiyapur P.S. Case No. 305 of 2023 was lodged and subsequent thereto, the informant of the present case had lodged one case being Ahiyapur P.S. Case No. 824 of 2023. It has further been submitted that even reading the averments made in the F.I.R., it would be evident that there is no specific allegation of assault on the petitioner. The specific allegation of firing is upon the two other accused persons, namely, Sanjit Ray and Pratik Ray. It has lastly been submitted that the petitioner carries two criminal cases against his name, wherein he is on bail, and both the cases have been lodged by the informant or



his father.

5. The learned counsel appearing on behalf of the informant as also the learned A.P.P. for the State have vehemently opposed the prayer for grant of anticipatory bail to the petitioner. The learned counsel for the informant has submitted that the petitioner should not be granted the liberty of anticipatory bail on account of the fact that against him a case being Ahiyapur P.S. Case No. 824 of 2023 was lodged for the offences under Section 307 of the I.P.C. and other allied sections. It has next been submitted that there is no specific allegation of assault against the petitioner, but he being party to the said crime and also the instigator, should not be released on anticipatory bail. It has further been submitted that there is a specific allegation of firing by the co-accused person and the petitioner being an accomplice, cannot be said to be innocent and in view of the fact that the petitioner has two criminal cases against his name, he should not be granted the liberty of anticipatory bail.

6. Considering the facts and circumstances of the case and taking into account the fact that there is no specific allegation of any overt act against the petitioner, let the petitioner, above-named, be released on anticipatory bail, in the



event of his/her arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his/her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Ahiyapur P.S. Case No. 115 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioner shall be his/her close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. 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. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/Tannu

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