IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33615 of 2026

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

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Kanhaiya Ray @ Kanhaiya Rai @ Kanhiya Ray @ Kanhai Kumar S/O Nand Kishor Ray @ Nandkishore Ray Resident of village - Nazirpur, Near Fakira, 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. Arvind Kumar, Advocate
For the State	:	Ms. Meena Singh, APP
For the Informant	:	Mr. Anumay Shahi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 19-05-2026 Heard Mr. Arvind Kumar, learned counsel for the petitioner, Mr. Anumay Shahi, learned counsel for the informant and Ms. Meena Singh, learned A.P.P. for the State through virtual mode.

2. Petitioner apprehends his arrest in connection with Ahiyapur P.S. Case No. 115 of 2026, registered for the offences under Sections 329(3), 109, 308(4), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act, 1959.

3. As per the prosecution case, the informant has alleged that the accused persons started abusing and thereafter

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the accused Sanjit Rai incited the other accused persons to kill the victim and following which Ranjeet Rai is said to have fired from the gun, which hit Subodh Kumar in his leg. It has further been alleged that the victim was taken to the hospital and thereafter, the FIR was lodged.

4. Learned counsel for the petitioner submits that there are general and omnibus allegations against the petitioner. It has further been submitted that the specific allegation of firing is upon Sanjeet Rai and Prateek Rai and the firearm injury is said to have been caused on the legs of Subodh Kumar. It has next been submitted that the petitioner carries clean antecedent.

5. Learned counsel for the informant as well as the learned APP for the State have vehemently opposed the prayer for anticipatory bail and have stated that the petitioner was part of the mob which had approached and they were also armed with firearm and even tried to kill the informant and his father, however, they managed to escape.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner 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

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bonds of Rs.10,000/-(ten thousand) 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 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 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 petitioner shall be his close relative.

(ii) The petitioner 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 petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

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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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