IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42488 of 2026

CNR No. BRHC010527712026

Arising Out of PS. Case No.-27 Year-2020 Thana- MAHINDWARA District- Sitamarhi

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Gauri Ray S/O Jagat ray Resident of Village-Olipur, walipur,Sarhanchia, PS-Mahindwara,District-Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Saurav Kumar, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 04-11-2026 Heard Mr. Saurav Kumar, learned counsel for the petitioner, Mrs. Renu Kumari, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Mahindwara P.S. Case No. 27 of 2020, instituted for the offences punishable under Sections 341, 323, 307, 34 of the Indian Penal Code, later on added Sections 302/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 24.03.2020 at about 10:30 P.M., the petitioner along with other accused persons, allegedly raided the informant’s house and resorted to firing over a prior land dispute. It is further alleged

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that, at the petitioner's instigation, co-accused Kanhaiya Ray fired at the informant, causing a firearm injury to his daughter, who was subsequently admitted to hospital for treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case as well as cognizance has already been taken against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has not committed any such offence as alleged against him. The allegation levelled against the petitioner is general and omnibus in nature. It is next submitted that name of the petitioner has transpired in this case as an instigator, but he has not fired upon the deceased. It is submitted that co-accused Kanhaiya Ray has fired upon the deceased. It is further submitted that both the parties are neighbours and due to previous land dispute, the petitioner has falsely been implicated in this case. There is case and counter case between the parties. The petitioner is in custody since 09.10.2025 and has got one criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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6. In compliance of the order dated 07.19.2026, a report dated 10.09.2026 with regard to the present stage of trial has been received. From perusal of the aforesaid report, it appears that the case is pending at the stage of framing of charge.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahindwara P.S. Case No. 27 of 2020.

9. The learned Court below is directed to take expeditious steps for framing of charge against the petitioner.

(Rudra Prakash Mishra, J)

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