

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41484 of 2026**

Arising Out of PS. Case No.-164 Year-2025 Thana- MOHIUDDIN NAGAR District-  
Samastipur

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Dasharth Ray @ Dasrath Kumar Rai S/O Rambabu Ray Resident of Gram-  
Bishanpur Beri, Bishunpur Beri, PO- Bishanpur Beri, Vishanpur Beri Matior,  
P.S.- Mohiuddin Nagar, Dist - Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      01-07-2026                      Heard Learned Counsel for the petitioner and  
  
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Mohiuddin Nagar P.S. Case No. 164 of 2025, lodged on 04.08.2025, under Sections 126(2), 115(2), 118(1), 109(1), 329(3), 329(4), 352, 351(2), 351(3), 3(5) of the BNS and under Section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against eleven named accused persons including the present petitioner against whom there is allegation that all the accused persons



have assaulted the informant. The cause of dispute has been shown that for the soil filling work the dispute has arisen between both the parties, who are neighbors, which resulted into assault.

4. Learned Counsel for the petitioner submits that the petitioner and informant are resident of the same village and neighbor. Due to soil filling work the dispute took place between the parties. Counsel further submits that the informant had fired on the petitioner's side due to which one person died at the spot for which FIR has been lodged as Mohiuddin Nagar P.S. Case No. 154 of 2025 on 23.07.2025. Counsel submits that the present case has been filed in retaliation for the same date and place of occurrence on 04.08.2025 bearing Mohiuddin Nagar P.S. Case No. 164 of 2025. Counsel submits that the criminal antecedent of the petitioner is clean. Counsel further submits that one of the co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 07.05.2026 passed in Cr. Misc. No.29567 of 2026.

5. Learned counsel for the state opposes the prayer of bail but fairly submits that for the same date and place of occurrence FIR has been lodged. He submits that petitioner has no criminal antecedent.



6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned S.D.J.M., Sahapur Patory, Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 164 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. And further condition that the Trial Court 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 Trial Court 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.

**(Dr. Anshuman, J)**

Mkr./Rakesh-

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