

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40828 of 2026

Arising Out of PS. Case No.-7 Year-2026 Thana- GHATHO District- Samastipur

1. Mahavir Ray @ Madhavi Ray S/O Ghmandi Ray Resident of Village- Kancha, P.S- Ghatho, District- Samastipur.
2. Bigan Kumar @ Bigan Ray S/O Ganaur Ray Resident of Village- Kancha, P.S- Ghatho, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saobiya Mushtaque, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 28-07-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application for anticipatory bail arises out of Ghatho P.S. Case No. 07 of 2026 for the offence punishable under Sections 126(2), 115(2), 118(1), 109(1), 74, 76, 303(2), 352, 351(2), 3(5) of B.N.S., 2023.

3. As per the allegation, petitioners and other named co-accused persons including 7 to 10 unknown persons forming an unlawful assembly armed with lethal weapon came at the place of occurrence and started abusing the informant and his family members. It has further been alleged that on the orders of Ghamandi Rai, Ganaur Rai, Param Rai and other



accused persons broke the gate of the house of the informant and started assaulting, upon protest being made by the wife and son of the informant, the petitioner no. 1 Mahavir Rai assaulted on the head of the informant's son, due to which he sustained injuries, whereas the petitioner no. 2 assaulted on the head of the informant's wife and injured her. It has further been alleged that during the course of assault co-accused Sohabir Rai and Lalbabu Rai snatched *Mangal Sutra* and *Jitia* worth Rs. 50,000/- from the neck of the informant's wife while accused persons Amresh Kumar and Mithlesh Rai and other 2 to 3 persons entered in the room and looted articles worth Rs. 3,10,000/-, while accused Mithlesh Rai brutally assaulted the daughter-in-law of the informant and disrobed her.

4. Learned counsel for the petitioners has submitted that there is a case and counter case between the parties and the case of the petitioners side was also for the offence punishable under Section 109 (1) B.N.S. and other ancillary Sections. It has further been submitted that there is land dispute between the parties and the parties resorted to free fight. It has further been submitted, referring to the injury report of the son of the informant, that he received simple injuries, while the wife of the informant has received injuries and the report which was kept



reserved and final opinion was awaited. Learned counsel for the petitioners has further submitted that there is no allegation of repetition of blow against the petitioners. Lastly, it has been submitted that petitioner no. 1 has got no criminal antecedent, while petitioner no. 2 was accused in one another case in which he is on bail.

5. Learned counsel for the State vehemently opposed the prayer of anticipatory bail of the petitioners and learned counsel for the informant has submitted that there are specific allegation against the petitioners and the injured persons were admitted in hospital in serious conditions. It has further been submitted that the petitioners does not deserve leniency as the injured persons have received serious injuries.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances as well as the fact that there is a case and counter case between the parties and both the cases having been registered under Section 109(1) B.N.S., let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-1st, Dalsing Sarai at



Samastipur, in connection with Ghatho P.S. Case No. 07 of 2026, subject to the conditions as laid down under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita.

8. This application stands allowed.

(Praveen Kumar, J)

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