

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41890 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- DORIGANJ District- Saran

-
1. Amarjit Ray @ Amarjit Rai Son of Rup Narayan Ray Resident of Village - Balwan Tola, P.S.- Doriganj, District - Saran, Bihar.
 2. Shiv Vinay Ray Son of Rup Narayan Ray Resident of Village - Balwan Tola, P.S.- Doriganj, District - Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Doriganj P.S. Case No. 21 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 117(2), 303(2), 352, 3(5) of BNS.

3. The allegation against petitioners is to assault informant by means of *farsa* causing head injuries. Alleged assault was made with an intention to cause death of informant/ injured, where occurrence alleged arising out of previous enmities.



4. It is submitted by learned counsel appearing on behalf of the petitioners that occurrence was free fight in nature where both parties received injuries. It is submitted that for the same set of occurrence petitioners side also lodged a case which has been registered as Doriganj P.S. Case No. 20 of 2026. It is further argued that petitioner no. 1 alleged to assault specifically to the informant namely, Hari Lal Ray, which upon medical examination found simple in nature, and therefore, it can be said safely that petitioners were not under intention to cause death. It is submitted that injury as received by petitioners not appears explained through FIR. Petitioners claimed clean antecedent.

5. It is argued that only ornamental allegation is available against petitioner no. 2 to assault the uncle of the informant during the course of occurrence for which no injury report is available on record.

6. Learned APP while opposing the prayer of bail as preferred by the petitioners submitted that the injury report of informant namely, Hari Lal Ray suggest that he received five incised wound during the occurrence, where one was on



vertex and one on the thigh. Injury report is not speaking about the position of rest three injuries but these wounds are opined as incised wound, which appears corroborating with nature of weapon alleged to be used by petitioner no. 1 to cause injuries upon the informant namely, Hari Lal Ray.

7. It is submitted that only nature of injury is not the criteria to make out the intention to cause death, within the meaning of Section 109 of BNS. Learned APP in support of his submission relied upon the legal report of Hon'ble Supreme Court as available through ***State of Himachal Pradesh vs. Shamsher Singh*** reported in ***2025 INSC 503***, however it is conceded by learned APP that injury of uncle of informant is not available on record.

8. In view of aforesaid factual submission and by taking note of fact as the allegation to cause repeated incised injuries (total of five in number) appears available against petitioner no. 1, which prima-facie appears corroborating to be caused by sharp edge weapon like "*farsa*" through which alleged assault was made, accordingly the prayer of anticipatory bail of **petitioner no. 1 namely,**



Amarjit Ray @ Amarjit Rai stands **rejected**.

9. Further, as no injury report available as alleged to be caused by petitioner no. 2 namely, Shiv Vinay Ray, upon uncle of the informant, accordingly petitioner no. 2 namely, Shiv Vinay Ray, in the event of his arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM VIII, Saran /concerned Court, where the case is pending in connection with Doriganj P.S. Case No. 21 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

