

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55891 of 2025

Arising Out of PS. Case No.-266 Year-2021 Thana- AMARPUR District- Banka

1. Dilip Ray S/o Jagdish Ray Village- Gadai, PO- Ramchandrapur Ithari, PS- Amarpur, Distt.- Banka
2. Maindi Ray @ Bhedi Ray S/o Mangu Ray Village- Gadai, PO- Ramchandrapur Ithari, PS- Amarpur, Distt.- Banka
3. Sudhir Ray S/o Mangru Ray Village- Gadai, PO- Ramchandrapur Ithari, PS- Amarpur, Distt.- Banka
4. Gita Devi W/o Bhedi Ray Village- Gadai, PO- Ramchandrapur Ithari, PS- Amarpur, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 10-02-2026 Heard the parties.

2. The accused/petitioners are not named in the F.I.R. and apprehending their arrest in connection with Amarpur P.S. Case No. 266 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 332, 333, 337, 353 and 427 of the Indian Penal Code.

3. As per FIR, named co-accused persons along with unknown co-accused persons assaulted police personnel on duty, causing injury by using weapons like *lathi*, *danda*, sword, etc. with intention to cause death.

4. Learned counsel appearing on behalf of the



petitioners submitted that allegation *qua* physical assault against these petitioners is appearing very much general and omnibus in nature. It is pointed out that due to land dispute, petitioners were named during the course of investigation as an afterthought. It is also submitted that seizure list is disputed, as the same is not supported by independent witnesses rather by the police personnel and moreover no sharp-cut injury was found upon any of the injured, which prima-facie creates a doubt *qua* allegation that assault was caused by named accused persons by using sword. While concluding the argument, it is submitted that investigation of this case has already completed for apprehended and named co-accused persons on all material aspects, therefore, sending these petitioners behind bar shall not serve any purpose of justice and, therefore, no custodial interrogation appears required in present case.

6. Learned APP appearing for the State, opposes the prayer for bail.

7. In view of the facts and circumstances and by taking note of the fact as petitioners are not named in the FIR and as allegation *qua* physical assault is appearing very much general and omnibus in nature, accordingly all above named petitioners, in the event of their arrest or surrender before the learned trial court



within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Banka/concerned trial court where the case is pending in connection with Amarpur P.S. Case No. 266 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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