IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63965 of 2026

CNR No. BRHC010867942026

Arising Out of PS. Case No.-20 Year-2026 Thana- DORIGANJ District- Saran

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1. Girjanand Rai, aged about 85 Years, Male, Son of Late Ramgyan Rai
2. Rambabu Rai, aged about 72 Years, Male, Son of Nasiblal Rai
Both Residents of Village- Balwan Tola, Police Station- Doriganj, District- Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Informant : Mr. Ghanshyam Tiwary, Advocate
For the State : Mr. Umanath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 19-11-2026 Heard Mr. Ashok Kumar Mishra, learned counsel appearing on behalf of the petitioners; Mr. Ghanshyam Tiwary, learned counsel for the informant and Mr. Umanath Mishra, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Doriganj P.S. Case No. 20 of 2026 registered for the offence punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2), 351(3) and 3(5) of the BNS.

3. As per the allegation made in the FIR, when the informant, who is an *Up-Mukhiya*, had went to turn on the Tap installed in his field under the '*Nal Jal Yojana Scheme',* the

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petitioners along with other accused persons, had allegedly assaulted him by means of sword causing injury on his hand and neck and when the other family members of the informant came to save him, they had also assaulted them causing injuries on the different parts of their bodies.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties. He further submitted that the scuffle arose between the parties for a trivial reason and both the sides entered into fierce fight in which petitioners' side also sustained injuries and in their self-defence, the petitioners may have caused some injury to the informant side, without intention. The informant has admitted that he is Up-Mukhiya and incident aggravated due to some political differences. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Mr. Ghanshyam Tiwary, learned counsel has tendered appearance on behalf of the informant and submitted that the petitioners along with other accused persons, with a common intention to kill the informant and his family members, had assaulted them causing injuries on the different parts of the body and the petitioners having two criminal antecedents as

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would appear from paragraph no. 3 of the bail application, don't deserve to be released on pre-arrest bail.

6. Learned APP for the State has also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the information, which is contained in the impugned order, I find that the question of pre-meditation to kill the informant and his family members, prima facie, is not proved. It is admitted that both the parties were indulged in fierce fight for a trivial reason, in which petitioners' side also sustained injuries and in their self-defence, the petitioners may have caused some injury to the informant side, without intention. However, taking into consideration the injury sustained by the informant side being reserved, learned District Court is directed to verify the injury report and if it is found that the injury sustained by the informant side, which is attributable to petitioners, has been found to be simple in nature, then in that case, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten

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Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Doriganj P.S. Case No. 20 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS.

8. **The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

9. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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