

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55054 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- BANIAPUR District- Saran

KhaKhanu Rai @ Shribhagwan Ray Son of Late Ramdayal Rai village-
Khabasa, Ps- Baniyapur, Dist- Saran At chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 62553 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- BANIAPUR District- Saran

Harendra Rai @ Dharmendra Kumar @ Harendra Ray @ Dharmendra Rai
S/o Chandrama Rai R/o Village - Khabasa, P.S - Baniyapur, District - Saran at
Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 55054 of 2025)
For the Petitioner/s : Mr. Kumar Binode Bariar, Advocate
: Mr. Rananjay Kumar, Advocate
: Ms. Chhateshwari Kumari, Advocate
For the State : Mr. Jitendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 62553 of 2025)
For the Petitioner/s : Mr. Kumar Binode Bariar, Advocate
: Mr. Rananjay Kumar, Advocate
: Ms. Chhateshwari Kumari, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-01-2026 Heard the parties.

2. The petitioners are apprehending their arrest in
connection with Baniyapur P.S. Case No. 120 of 2025 registered
for the offence punishable under Sections 127(1), 115(2),



118(1), 109, 303(2), 351(2), 352 and 3(5) of the B.N.S., lodged on 25.03.2025 by the informant Babban Rai.

3. As per the prosecution story, the informant alleged that on 15.03.2025 at 4 AM, while his son was returning home after collection at his poultry farm on the occasion of Holi, near Baniyapur, the accused persons armed variously brutally assaulted and snatched the said amount. The injured were taken to Chapra Sadar Hospital and then to Patna Medical College and Hospital for treatment. As he was busy in the treatment of the two sons, a belated F.I.R.

4. Learned counsel for the petitioners submit that he lodged F.I.R. on 16.03.2025 showing occurrence on 14.03.2025 and as a counter blast, the present case has been filed after ten days. Actually, the injured met with an accident but has made allegation against these petitioners.

5. On the other hand, Mr. Jitendra Kumar Singh, learned APP has opposed the prayer and has taken this Court to the injury report to show that brain of one of the son, Vikash Rai was operated upon and the injury has been found to be grievous in nature. The further submission is that the accused have taken alibi that earlier they were assaulted on 14.03.2025, the fact remains that the F.I.R. came to be lodged on 16.03.2025 and the



F.I.R. shows that the occurrence took place at 4 AM on 15.03.2025.

6. Considering the submissions of the parties as also the allegation that has come against the accused persons, an innocent person was brutally assaulted resulting into the operation of his brain, in that background, it would be appropriate that the petitioners seek bail.

7. The anticipatory bail application stands rejected.

8. However, if the petitioners surrender within a period of four weeks, file bail application, the court concerned shall consider the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

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