IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47011 of 2026

Arising Out of PS. Case No.-85 Year-2025 Thana- VAINI District- Samastipur

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Dinesh Ray @ Dinesh Kumar Ray, S/O Late Monelal Ray, R/O Village- Dorapar, Ward No. 8, P. S.- Waini, Distt.- Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Surya Narayan Roy, Adv.
For the O.P. No.2 : Mr. Rohit Priyadarshi, Adv.
Mr. Abhay Kumar, Adv.
Mr. Chanjan Kumar Jha, Adv.
For the State : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

3 20-08-2026 Heard the parties.

2. Petitioner apprehends his arrest in connection with Waini P.S. Case No. 85 of 2025 registered for the offence punishable under Sections 126(2), 115, 118(1), 117, 109(1), 352, 351 and 3(5) of the BNS.

3. The prosecution case, in brief, is that on 26.10.2025, at about 6:30 A.M., the petitioner along with the other accused persons, armed with weapons, came to the informant's cattle shed and abused him and his mother. Upon protest, Ramesh Rai allegedly assaulted the informant on his head with an iron rod, while Dinesh Ray (Petitioner) assaulted his mother on her head. It is further stated that the other accused

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persons assaulted the informant and his mother with iron rods and bricks, causing injuries to them.

4. The main submissions advanced by learned counsel for the petitioner are that the petitioner has no criminal antecedent. There is a land dispute between the parties and there are cases and counter-cases between them. The alleged offence under Section 109(1) of the BNS is not made out against the petitioner. The prosecution has produced the injury report of one of the injured persons, namely, Prabhash Kumar, whose injuries have been opined to be simple in nature.

5. On the other hand, learned counsel appearing for the informant submits that there is no land dispute between the parties and in this regard, the FIR itself is relevant. It is further submitted that the petitioner assaulted the injured, namely, Gulab Devi, on her head, as a result of which she sustained a grievous injury on a vital part of her body. Learned counsel submits that he has received the injury report's soft copy and is ready to produce the same before this Court. It is further submitted that the informant recorded his fardbeyan in the Emergency Ward of Sadar Hospital, Samastipur and the facts stated in the FIR clearly demonstrate that the alleged occurrence was pre-planned and did not take place in the spur of the

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moment.

6. Learned APP appearing for the State has opposed the prayer of the petitioner.

7. Considering the seriousness of the allegation against the petitioner, who allegedly assaulted the injured, namely, Gulab Devi, on a vital part of her body, causing her a grievous injury, as submitted by learned counsel for the informant and the learned Trial Court has also observed the same in the impugned order, coupled with pendency of investigation, in my opinion, the petitioner does not deserve to the relief of anticipatory bail. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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