

In the Court of Sessions Judge, Vaishali

A.B.P. No. 1023/2026

1. Ajay Ray @ Ajay Kumar, aged about 31 years, S/o-Naresh Ray,
 2. Vivek Prakash, aged about 28 years, S/o-Harendra Ray,
 3. Vivesh Prakash @ Vibhesh Kumar, aged about 32 years, S/o-Harendra Ray,
 4. Pawan Kumar, aged about 24 years, S/O-Ramji Ray,
- All Resident of village –Mirzanagar Rusulpur Mobarak, P.S. - Mahua, District – Vaishali
- :- petitioners

Versus

State of Bihar

:-

O.P.

Appearance :-

Learned counsel for the petitioners :- Sri Harihar Singh, Advocate

Learned P.P. for the State : Sri Shyam Babu Rai, P.P.

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 20th May 2026

Heard the learned defence counsel as well as learned Public Prosecutor on the anticipatory bail application filed on behalf of the above named accused petitioners under section 482 of B.N.S.S. who are apprehending their arrest in connection with Mahua P.S. Case No. 217/2026 registered u/ss. 126(2), 115(2), 109, 303(2), 352, 351(2) and 3(5) of B.N.S.

It is stated in Para 2 of the anticipatory bail petition that earlier no bail application either anticipatory or regular has been filed in the present case either before this court of Sessions or before the Hon'ble High Court, Patna.

The prosecution case, in brief, is that the informant namely Mukesh Kumar, submitted a written report alleging therein that on 27.03.2026, at about evening time, he had gone from his house to Rustampur Buzurg Panchayat, to attend a feast at the house of one Vid Ray. Accused persons, namely Vivek Prakash Ray, Ajay Ray and Pawan Kumar, were already present there and upon seeing the informant, they fled away from the place. Thereafter, when the informant was returning to his house on his motorcycle and reached near the house of accused Vivek Prakash Ray, all the accused persons allegedly surrounded him, forcibly stopped his motorcycle and assaulted him. Accused persons caught hold of the informant and made him sit in a four-wheeler vehicle bearing Registration No. BR-03AQ-4433. The accused Vivek Prakash Ray allegedly assaulted the informant with an iron rod on his head

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with intention to kill him, causing bleeding injury on his head. The accused persons threatened the informant with dire consequences and pointed a pistol towards his head and eyes. The accused persons forcibly took the informant in the said vehicle towards Mahua Mishri Petrol Pump and thereafter via Desari Chowk to Gandhipur and Mahua Samastipur Bypass Road, where they allegedly attempted to kill him and throw away his body. Before leaving him, the accused persons compelled the informant to confess on video that he would not institute any case regarding the occurrence. The accused persons snatched away cash amount of Rs. 12,000/-, one gold chain and one gold ring from the possession of the informant, the total value whereof has been stated to be approximately Rs. 1,20,000/-. Thereafter, the informant informed his family members over phone, who arrived at the place of occurrence and took him in injured condition for medical treatment at Mahua.

The learned counsel for the above named accused petitioners submits that the accused petitioners are innocent, have committed no offence and they have falsely been implicated in this case. It has been further submitted by the Ld. Counsel on behalf of the petitioners that the allegations made in the FIR are false, baseless, and concocted. No such occurrence, as alleged, ever took place, and the story set up is neither believable nor credible. Petitioner Vivek Prakash is a businessman running a motorcycle showroom. He has expressed his willingness to contest the upcoming Mukhiya election. On account of the same, he has been falsely implicated in the present case. The offences alleged against the petitioners are bailable in nature, except for Sections 109 and 303(2) of the Bharatiya Nyaya Sanhita, 2023. The said sections are not made out and are not applicable to the petitioners based on the facts of the case. Petitioner Vivek Prakash has two criminal antecedents prior to the present case. The remaining accused/petitioners have one criminal antecedent each, and in those cases, they are presently on bail. It is, therefore, Ld. Counsel on behalf of petitioners prayed to enlarge anticipatory bail to the petitioners.

Learned Public Prosecutor opposed the prayer for bail.

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Heard the parties and also perused the case record and the case diary. On perusal of the record, it appears that the allegation against the petitioners is of assaulting the informant and snatching a gold chain and ring from his conscious possession, valued at Rs. 1,20,000/-, along with cash of Rs. 12,000/-. On further perusal of the injury report of the injured, Mukesh Kumar, it transpires that he sustained a lacerated wound on the left frontal region of the head, measuring approximately 3/2" x 1.8" x 1.2". It also transpires from the CT scan of the brain that no significant neuroparenchymal abnormality. The injury sustained by the injured, Mukesh Kumar, is simple in nature and is opined to have been caused by a hard and blunt object.

Therefore, considering the aforesaid facts and circumstances of the case, the prayer for anticipatory bail of the above named petitioners is hereby, allowed and it is ordered that in the event of arrest or surrender, they will be enlarged on anticipatory bail, on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned court below, within four weeks of this order, subject to the conditions as laid down under section 482(2) of the Bhartiya Nagrik Suraksha Sanhita 2023, **subject to the further condition that :-**

- (i) The petitioners will not indulge in any kind of such offence and shall appear and report to S.H.O. of concern police station on first week of the every month for a period of one year regarding his activity after being released from custody.
- (ii) The petitioners will not delay the disposal of trial in any manner what so ever and will remain physically present for framing of charge and at the stage of recording of statement under section 351 of B.N.S.S.
- (iii) The petitioners would not repeat similar type of offence in future.

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Present : Harshit Singh

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In case of breach of any of the aforesaid conditions, learned Court concern will be at liberty to cancel the bail and send the petitioners to prison.

Before accepting the bail bonds of the petitioners, the learned Trial Court is requested to ensure that a copy of this order be sent to the S.H.O. of concern P.S. with direction that, the concern S.H.O. will inform the learned Court if the petitioners fail to appear before him in any month as specified in aforesaid condition.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali

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