

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66473 of 2024

Arising Out of PS. Case No.-295 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Ritesh Ray @ Ritesh Kumar, S/o- Om Prakash Ray @ Prakash Ray, Resident of Village- Dumariya, Post- Chanchaura, Khaira, P.S- Chhapra Mufassil, Distt.- Saran at Chhapra.
2. Ram Vinay Ray, S/o- Anaras Ray, Resident of Village- Dumariya, Post- Chanchaura, Khaira, P.S- Chhapra Mufassil, Distt.- Saran at Chhapra.
3. Nitesh Ray @ Nitesh Kumar @ Nitish Kumar, S/o- Om Prakash Ray @ Prakash Ray, Resident of Village- Dumariya, Post- Chanchaura, Khaira, P.S- Chhapra Mufassil, Distt.- Saran at Chhapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yashraj Bardhan, Advocate
For the State	:	Mrs. Madhuri Lata, APP
For the Informant	:	Mr. Ajay Kumar Singh No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-10-2024 Heard Mr.Yashraj Bardhan, learned counsel for the Petitioners, Mr. Ajay Kumar Singh No.1, learned counsel for the informant and Mrs. Madhuri Lata, learned APP for the State.

2. At the outset, learned counsel appearing for the petitioners seeks permission to withdraw the prayer of petitioner no.3, namely, Nitesh Ray @ Nitesh Kumar @ Nitish Kumar, as the said petitioner has been arrested.

3. Permission is granted and the prayer of petitioner no.3 in this Criminal Miscellaneous Petition stands dismissed as withdrawn.

4. The petitioners apprehend their arrest in connection



with Chhapra Muffassil P.S. Case No. 295 of 2024 dated 23.05.2024 registered for the offences punishable under Sections 341, 323, 324, 307, 354 B, 379, 504, 506 and 34 of the Indian Penal Code.

5. The main submissions advanced by learned counsel for the petitioner no.1 and 2 are that the instant matter relates to a simple *marpit* with the informant and his wife, though, the informant is said to have been assaulted by means of iron rod on the head but the allegation as to assaulting him is specific against co-accused Brajesh Rai who is not a petitioner before this Court and the co-accused Nitesh and petitioner no.1 are alleged to have assaulted the wife of the informant by means of *lathi* but on her person, only one injury in the form of bruise has been found and the same has been opined to be simple in nature and other allegations relating to the offence of theft and 354B of IPC are ornamental. It is further submitted that though there is one criminal antecedent against petitioner no.1 and 2 but they have got bail in the said antecedent case.

6. On the contrary, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioners and submitted that the petitioners not only assaulted the informant's wife but also removed some of her clothes and made her half naked.



7. Learned APP for the State has also opposed the prayer for bail of the petitioners.

8. Considering the facts and circumstances of this case as well as above submissions and mainly the nature of allegation appearing against petitioner no.1 and 2 coupled with the injury of the informant's wife, who is said to have been assaulted by the petitioner no.1 and co-accused Nitesh Ray, this Court is inclined to grant the relief of anticipatory bail to the petitioner no.1 and 2. Accordingly, let the **petitioner no.1 and 2 named-above**, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Chhapra Muffassil P.S. Case No. 295 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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