

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71799 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- MATIHANI District- Begusarai

1. Chandra Bhushan Ray Son of Late Ram Sagar Ray @ Ramsagar Ray R/O Village- Rachiyahi Naya Tola, Ward No. 3, Police Station- Matihani, District- Begusarai
2. Niraj Kumar Son of Chandra Bhushan Ray R/O Village- Rachiyahi Naya Tola, Ward No. 3, Police Station- Matihani, District- Begusarai
3. Dheeraj Ray @ Dhiraj Kumar Son of Chandra Bhushan Ray R/O Village- Rachiyahi Naya Tola, Ward No. 3, Police Station- Matihani, District- Begusarai
4. Chandrashekhar Ray Son of Late Ram Nath Ray R/O Village- Rachiyahi Naya Tola, Ward No. 3, Police Station- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Matihani P.S. Case No. 87 of 2024 dated 16.07.2024, instituted for the offence punishable under Sections 329(3), 126(2), 115(2), 117(3) and 3(5) of the Bhartiya Nagrik Sanhita Suraksha.

3. The prosecution case, in short, is that the petitioners armed with *lathi*, *danda*, rod in their hands came at the house of informant and started abusing him. On objection being raised by



his brother Ranjeet Ray, Niraj Kumar caught his neck and pushed him on the ground and started beating him by fists and legs and gave iron rod blow on his head due to which Ranjeet Ray sustained head injury. They also assaulted his son, wife and daughter with *lathi* and *danda*. Dhiraj Kumar and Chandra Bhushan Ray also started assaulting them due to which they sustained injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is specific allegation against Niraj Kumar, that he assaulted the informant and his brother. The allegation against other accused persons is general and omnibus. It is submitted that injury received by the informant's brother as per the doctor is simple in nature. It is submitted that both the parties are agnates. It is also submitted that date of occurrence is of 14.07.2024 but the F.I.R. has been lodged on 16.07.2024 without any plausible explanation of delay. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Matihani P.S. Case No. 87 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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