

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79752 of 2024

Arising Out of PS. Case No.-325 Year-2024 Thana- BATHNAHA District- Sitamarhi

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1. Ritesh Rai @ Ritesh Kumar Son of Suresh Rai @ Suresh Ray R/O Village- Majgama, PS- Bathnaha, Distt.- Sitamarhi
 2. Amresh Kumar Son of Late Ranjeet Rai R/O Village- Majgama, PS- Bathnaha, Distt.- Sitamarhi
 3. Guddu Rai @ Guddu Kumar Son of Late Ranjeet Rai R/O Village- Majgama, PS- Bathnaha, Distt.- Sitamarhi
 4. Rupesh Rai @ Rupesh Kumar Son of Suresh Rai @ Suresh Ray R/O Village- Majgama, PS- Bathnaha, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari D/O Jagarneshwar Rai R/O Village- Majgama, PS- Bathnaha, Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 28-11-2024 At the outset, learned counsel for the petitioners submit that petitioner nos. 3 & 4 are arrested during the pendency of the application and as such, the application against them has become infructuous.

2. According, the application against the petitioner nos. 3 and 4, namely, Guddu Rai @ Guddu Kumar and Rupesh Rai @ Rupesh Kumar respectively has been rendered infructuous.

3. Heard learned counsel for the petitioners and



learned APP for the State.

4. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bathnaha P.S. Case no. 325 of 2024 instituted for the offence under Sections 126(2), 115(2), 74, 76, 352, 351 (2), 351(3), 3 (5) B.N.S. and Section 12 of the POCSO Act.

5. The case of the prosecution is that while the victim, aged about 14 years, returning the house of his uncle, the petitioners along with others were present there. It is further alleged that Amresh Kumar caught her hand and tried to pull her and Rupesh Kumar pulled her '*duppata*'. It is further alleged that Amresh Kumar put the front wheel of the bike on the stomach of the victim, however, when alarm was being raised, her aunt and cousin sister came there to rescue her. It is further alleged that accused persons abused and assaulted them as well.

6. During the course of the argument, learned counsel for the petitioners submit that the occurrence is of 06.07.2024 where as the FIR has been lodged on 13.07.2024. It has also been argued by the learned counsel for the petitioners that the petitioners and the informant are next door neighbors and they have been falsely implicated in connection with the present case.



7. Learned APP appearing for the State opposed the prayer of bail of the petitioner.

8. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner nos. 1 & 2, namely, Ritesh Rai @ Ritesh Kumar and Amresh Kumar on bail. The petitioner nos 1 & 2 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Bathnaha P.S. Case no. 325 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI -cum- Special Judge (POCSO Act), Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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