

Court of District and Addl. Sessions Judge, Biraul(Darbhangha)

Present:- Sri Shiv Kumar,

Dist.&Addl. Sess. Judge, Biraul.

ABP No. 223/2026(Gautam Kumar Ray and others vs. State of Bihar)

Page No. 1 of 3

In the Court of District and Addl. Sessions Judge, Biraul, Darbhanga

ABP No. 223 of 2026

In the matter of :-

1. Gautam Kumar Ray alias Gautam Ray, Son of Manshi Ray
2. Arti Devi, Wife of Sanjeet Ray
3. Sanjeet Ray, Son of Manshi Ray
4. Sarita Devi, Wife of Gautam Kumar Ray alias Gautam Ray

.....Petitioners.

Vs.

2. The State of BiharOpposite Party.

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For the petitioner:- Sri Rahul Rai, Ld. Advocate.

For the O.P.(State):- Sri Bachha Rai, Ld. APP.

Order

05.08.2026 The present anticipatory bail petition has been filed on behalf of abovenamed petitioners who are apprehending their arrest in connection with Kuseshwar Asthan PS case No. 74 of 2026, for the offences punishable under sections 115(2), 126(2), 303(2), 118(1), 76, 352, 351(2), 3(5) of BNS and section 3,4 of Bihar Prevention of Witch Practices Act, which is pending in the Court of Ld. SDJM, Biraul, Darbhanga.

Heard Sri Rahul Rai the Ld. Counsel for the petitioners and Sri Bachcha Rai Ld. Counsel for State.

The FIR in the present case has been lodged on the basis of application of informant namely Manju Devi. The case of the prosecution in brief is that on 19.03.2026 at around 04:30 O'clock the accused persons named in the FIR including petitioners arrived and abused informant and told her "Daian" and threaten her. Gautam Rai and Bhola Rai torn her saree and blouse and

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ABP No. 223/2026(Gautam Kumar Ray and others vs. State of Bihar)

Page No. 2 of 3

made her naked. Gautam Rai climb on her chest and started punching her. During this when informant's husband Rohit Rai came to rescue her then Sarita Devi and Arti Devi assaulted him with "Fatta". Pramod Rai and Jagarnath Rai assaulted her husband with iron rod. Gautam Rai assaulted her husband with Kudal on his head. Birbal Rai and Sambhu Rai assaulted mother in law and brother in law of informant. Arti Devi snatched gold chakti from neck of informant.

Ld. Counsel for the petitioner submits that the petitioners are quite innocent and they have not committed any offence. The petitioners have falsely been implicated in this false case. No case under the alleged sections of FIR is made out against the petitioners. The petitioners are ready to abide by all the conditions as imposed by the Court. Therefore the present petition may be allowed.

On the other hand, Ld. Addl. P.P appearing on behalf of the State opposed the prayer for bail.

Upon considering the rival submissions and on perusal of the materials available on record this court finds that there is allegation upon petitioners that they have assaulted informant and her family members and called informant as "Daian". Para 2 of the case diary mentions restatement of informant in which she has supported the case and stated specifically about the involvement of petitioners in the incident. Para 7 and 8 of the case diary mentions statement of witnesses who too have supported the case. Para 35, 36 and 37 of the case diary mentions statement of injured witnesses who too have supported the case. The injury report of injured Manti Devi, Mohit Kumar, Rohit Kumar are attached with the case diary which supports the allegations leveled against the petitioners. Considering the discussions made above, nature of allegations leveled against each of the petitioners, injury

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ABP No. 223/2026(Gautam Kumar Ray and others vs. State of Bihar)

Page No. 3 of 3

received by the injured as well as other facts and circumstances of the case this Court does not feel inclined to grant anticipatory bail to the petitioners. Accordingly the prayer for anticipatory bail of the above-named petitioners is hereby **rejected**.

(Dictated)

(Shiv Kumar)

Addl. Sessions Judge, Biraul

05.08.2026