

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51110 of 2014

Arising Out of PS.Case No. -102 Year- 2014 Thana -SANGRAMPUR District- MUNGER

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1. Darogi Rajak @ Bipin Rajak S/o Arjun Rajak,
2. Ashok Rajak S/o Shibnarayan Rajak
3. Shibnarayan Rajak @ Subhit Rajak S/o Ram Dayal Rajak
4. Shankar Rajak S/o Amrit Rajak
5. Bablu Rajak S/o Raj Kumar Rajak
6. Niraj Kumar S/o Shankar Rajak
7. Adarash Kumar Rajak @ Chotu Kumar S/o Raj Kumar Rajak
8. Gudda Kumar @ Guddu Kumar S/o Raj Kumar Rajak
9. Rinky Devi @ Rinku Devi W/o Bipin Rajak
10. Rani Devi W/o Ashok Rajak
11. Arjun Rajak S/o Amrit Rajak
All resident of village- Sangrampur, P.S.- Sangrampur, District- Munger
..... Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 14-05-2015 Heard learned counsel for the parties.

Learned counsel for the petitioners at the outset submits that during the pendency of this application petitioner no.2, Ashok Rajak, has already died and petitioner no.3, Shibnarayan Rajak @ Subhit Rajak, has surrendered before the court below and thus, this application as against them has become infructuous.

That being so, this application so far it relates to petitioners no. 2 and 3 is dismissed as having become infructuous.

Having regard to the nature of allegation for offence under sections 147, 148, 149, 341, 323, 307, 379, 506 and 302 of the Indian Penal Code and that the allegation in the First Information Report being only of omnibus nature, this Court by taking into

account that the petitioners no. 9 and 10, the two ladies have also got no criminal antecedent would grant privilege of anticipatory bail to petitioner no.9 Rinky Devi @ Rinku Devi and petitioner no.10 Rani Devi, the two ladies of the family.

The prayer for rest of the petitioners for grant of anticipatory bail, namely, petitioner no.1 Darogi Rajak @ Bipin Rajak, petitioner no.4 Shankar Rajak, petitioner no.5 Bablu Rajak, petitioner no.6 Niraj Kumar, petitioner no.7 Adarash Kumar Rajak @ Chotu, petitioner no.8 Gudda Kumar @ Guddu Kumar and petitioner no.11 Arjun Rajak, is hereby rejected and their cases on surrender would be considered in the light of the order of regular bail granted to co-accused Pabo Devi & others.

That being so, if the petitioners no. 9 and 10, namely, Rinky Devi @ Rinku Devi and Rani Devi, surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger in Sangrampur P.S.Case No. 102/14 (G.R.No. 1635/14), subject to the following conditions:

- (i) That both the bailors will be a close relative of the petitioners no. 9 and 10 who will give an affidavit giving genealogy as to how they are related with the

petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners no. 9 and 10.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners no. 9 and 10 are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioners no. 9 and 10 will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners no. 9 and 10 will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

surendra/-

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