

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6239 of 2017

Arising Out of PS.Case No. -52 Year- 2016 Thana -MALI District- AURANGABAD

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1. RAMADHAR RAJAK @ RAM AWATAR RAJAK, S/o Late Lakshaman Rajak,
2. Nand Kishore Rajak S/o Ramadhar Rajak @ Ram Awatar Rajak,
3. Nand Lal Kumar @ Nand Lal Rajak, S/o Ramadhar Rajak @ Ram Awatar Rajak.
4. Pushpa Devi, W/o Nand Kishore Rajak.
5. Parwati Devi, W/o Ramadhar Rajak @ Ram Awatar Rajak,
All R/o village - Pandey Karma, P.S.- Mali, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh, Adv.

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL ORDER

2 17-02-2017

Heard the parties.

The petitioners apprehend their arrest in Mali P.S. Case No.52 of 2016 for the offences punishable under Sections 147, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 3/4 of Witchcraft Practice Act.

It has been submitted on behalf of the petitioners that so far petitioner nos.1, 4 and 5 are concerned, no allegation of assault is there. Moreover, the petitioner nos.4 and 5 are ladies. However, specific allegation of assault is against petitioner nos.2 and 3, but there is a case and counter case and both the parties have received injury. Injury report has been annexed as Annexure-2 in which opinion on the injury was kept reserved.

Heard learned A.P.P. also.



Having heard both sides. In view of the facts, as stated above, let the petitioner nos.1, 4 and 5, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Aurangabad in connection with Mali P.S. Case No.52 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far petitioner nos.2 and 3 are concerned, they surrender in the court below within a period of four weeks and make prayer for regular bail which shall be considered on its own merit considering the nature of injury and considering the aforesaid aspect of the matter and also considering the materials available on the record, the learned court below shall dispose of the prayer for bail of the petitioners, on very same day, without being prejudiced by this order.

With the above observation, this application is disposed of.

Arvind/-

(Vinod Kumar Sinha, J)

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