

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35541 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -DAWATH District- SASARAM (ROHTAS)

- =====
1. Mira Devi, wife of Arjun Rajak, resident of Village-Maliya Bagh , P.S.-Dawath, District- Rohtas (Sasaram).
 2. Prabhavati Devi, Wife of Sri Kishun Rajak, resident of Village-Koriya, P.S.- Dinara, District- Rohtas (Sasaram).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 09-05-2017 Let the supplementary affidavit filed on behalf of the petitioners be kept on the record.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dawath P.S. Case No.41 of 2016 registered under Sections 147, 148, 149, 341, 323, 337, 338, 302 and 504 of the Indian Penal Code, pending in the court of the Sub Divisional Judicial Magistrate, Bikramganj, Rohtas (Sasaram).

The allegation of the informant Motilal Rajak is that in the night of 11.05.2016, his maternal uncle (Mausa), namely,



Subash Rajak, had assaulted his daughter-in-law, namely, Rajkumari. Thereafter, Ganesh Rajak, the father of the informant Motilal Rajak, alongwith 2-4 villagers carried Rajkumari, the daughter-in-law of Subash Rajak, for her treatment at the clinic of Dr. K.K. Mishra and, after treatment, left Rajkumari, the daughter-in-law of Subash Rajak to the house. On 12.05.2016 at about 12.00 noon, Subash Rajak alongwith his wife, Kalawati Devi, son Galu Rajak, Mira Devi (petitioner no.1), Prabhawati Devi (petitioner no.2), the mother-in-law of Mira Devi, and others came at the door of the informant and asked as to why he got his daughter-in-law Rajkumari Devi treated and while abusing started to pelting stones and bricks, as a result of which, Ganesh Rajak, the father of the informant Motilal Rajak, sustained injury on his head and he was rushed to local Government Hospital for treatment. On seeing his serious condition, on 14.05.2016, when Ganesh Rajak, the father of the informant Motilal Rajak, was being taken to Patna for better treatment, he died on the way.

Learned counsel appearing on behalf of the petitioners submits that the petitioner no.1 is the own sister-in-law (Bhabhi) of the informant whereas the petitioner no.2 is the mother of the petitioner no.1 and both have falsely been implicated in this case with an ulterior motive to put undue pressure upon the petitioners



so that they may left the house. Further submission is that, after investigation, the police has submitted chargesheet under Section 304 of the Indian Penal Code against the petitioners.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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