

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11156 of 2019

Arising Out of PS. Case No.-595 Year-2018 Thana- BARAUNI District- Begusarai

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1. SHIV SHANKAR RAJAK, aged about 65 years(Male), Son of Sonelal Rajak
 2. Motilal Rajak, aged about 35 years(Male)
 3. Jawahar Lal Rajak, aged about 32 years(Male)
 4. Lalu Rajak, aged about 30 years(Male)
 5. Hira Lal Rajak, aged about 33 years(Male), All sons of Suresh Rajak
 6. Jyoti Rajak, aged about 42 years(Male)
 7. Shyamdeo Rajak, aged about 25 years(Male), Both sons of Meghnath Rajak
- All are resident of Thakurichak, P.S.- Barauni (Gardhara O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-02-2019 Heard both sides.

The petitioners apprehend their arrest in Barauni(Garahara O.P.) P.S. Case No.595 of 2018 registered under Section 307 and other minor Sections of the Indian Penal Code.

The informant, Dina Nath Rajak named ten persons including these seven petitioners and alleged that they all indiscriminately assaulted the informant(Dina Nath Rajak), Agrawal Rajak, Priti Kumari, Ahilya Devi, Sunita Devi till they become unconscious. It is further alleged that Amardeep Rajak and Pradeep Rajak assaulted with butt of pistol caused injury on



the head.

The learned counsel for the petitioners submits that on account of land dispute, both sides entered into mutual assault with each other. From the side of the petitioners, Barauni(Garahara O.P.) P.S. Case No.596 of 2018 is registered. The informant and others of course got injuries but all the injuries are simple in nature. Informant got four injuries out of which one injury, found on forearm, is opined to be grievous in nature but who is the author of that injury has not been disclosed in the F.I.R. All the injuries are laceration and abrasion. Other accused persons also got injuries such as laceration and abrasion and injuries are simple and superficial in nature. From the side of the petitioners also, some persons were injured. It is further submitted that Amardeep Rajak and Pradeep Rajak who are alleged to have assaulted the informant with the butt of pistol are not petitioners here.

Taking into consideration the facts aforesaid, it appears that informant leveled omnibus and general allegation against ten persons including these seven petitioners. Of course, the informant and three other persons got injuries but injuries are laceration and abrasion out of which one injury found on the person of Dinanath Rajak on his forearm is opined to be



grievous in nature but the informant did not disclose the fact as to who caused the injury on his forearm. There appears that both sides entered into mutual assault with each other on account of land dispute.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Barauni(Garahara O.P.) P.S. Case No.595 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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