

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15511 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- PIRPAINTI District- Bhagalpur

1. Ram Bilash Rajak Son of Late Khantari Rajak, Resident of Village - Kali Prasad, Binoba Tola, P.S.- Pirpainty, Distt.- Bhagalpur.
2. Dukkho Rajak Son of Ram Bilash Rajak, Resident of Village - Kali Prasad, Binoba Tola, P.S.- Pirpainty, Distt.- Bhagalpur.
3. Akhlesh Rajak @ Aklesh Rajak Son of Rajendra Rajak, Resident of Village - Kali Prasad, Binoba Tola, P.S.- Pirpainty, Distt.- Bhagalpur.
4. Lalu Rajak Son of Late Chhedi Rajak, Resident of Village - Kali Prasad, Binoba Tola, P.S.- Pirpainty, Distt.- Bhagalpur.
5. Ramdeo Rajak Son of Late Chhedi Rajak, Resident of Village - Kali Prasad, Binoba Tola, P.S.- Pirpainty, Distt.- Bhagalpur.
6. Bablu Rajak Son of Dhaneshwar Rajak, Resident of Village - Kali Prasad, Binoba Tola, P.S.- Pirpainty, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra
For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-03-2019 Heard both sides.

The petitioners apprehend their arrest in Pirpainti P.S.

Case No.248 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379 436, 504 and 506 of the Indian Penal Code.

The informant named the petitioners and others and alleged that while he was in his house at about 8 a.m., the accused persons having armed with different weapons came and



Mahesh Rajak set ablaze his house and assaulted him. Dukho Rajak assaulted the informant with sharp weapon on his head. His nephew was assaulted with spade on his head by Akhilesh Rajak. When Md. Sajid came, Umesh Rajak assaulted him with stick on his head and Dukho Rajak assaulted with sword on the head of Md. Jalil.

Learned counsel for the petitioners submits that there is a counter version being Pirpainti P.S. Case No.249 of 2018. Dukho Rajak (petitioner no.2) is informant of the case. There is a land dispute between two sides and on account of land dispute both sides entered into scuffle and mutual assault. It is further submitted that Dukho Rajak is said to have assaulted the informant and Md. Jalil but from perusal of the injury report of informant, the informant of course got one lacerated injury on his head but the injury is opined to be simple in nature and caused by hard and blunt object. Similarly, Md. Jalil also got injury but the injury is not caused by sharp edge weapon such as sword or katta.

Taking into consideration the facts that there is a case and counter case and there appears that the occurrence took place due to land dispute for which both sides entered into mutual assault with each other, the above named petitioners, in



the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XI, Bhagalpur in connection with Pirpanti P.S. Case No.248 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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