

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70942 of 2018

Arising Out of PS. Case No.-402 Year-2018 Thana- BANKA District- Banka

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1. Dharmendra Rajak, Son of Shankar Rajak,
 2. Bachchu Rajak @ Mithun Kumar @ Buchchu Rajak,
 3. Babua Rajak @ Bouya Rajak, Both Sons of Mohan Rajak, All are residents of Village- Danra, P.S.- Banka, District- Banka.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Brij Nandad Prasad, Advocate.
For the Opposite Party : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324 and 307 of the IPC.

The prosecution story, in brief, is that the petitioner alongwith other F.I.R. named co-accused assaulted to the husband of the informant, namely, Babu Lal Pasi by Lathi, Kata, rod and brick. Out of whom, petitioner no. 1 Dharmendra Rajak assaulted by Katta, petitioner no. 3 Babuwa Rajak assaulted by Sickel, co-accused Jitendra Rajak assaulted by Sword and rest accused persons assaulted by Lathi, Danda, bricks and stones. Petitioner no. 1 Dharmendra Rajk assaulted to Babu Lal Manjhi



by Kata, co-accused Sharwan Rajak assaulted to Babu Lal Pasi by Axe, petitioner no. 2 Buchhu Rajak assaulted by rod, Bambam Pasi by Iron rod and rest accused persons assaulted to Munni Pasi, Ravi Kumar, Bambam Kumar, Nepali Pasi, Mina Devi in order to kill them and co-accused Madan assaulted to Nunu by Iron rod causing bleeding injury on her head. The informant has further alleged that Babu Lal Pasi was coming back after taking toddy and the accused persons came from back side and assaulted by Kata, Sword and Sickle etc.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Banka, in connection with Banka P.S. Case No. 402 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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