

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26320 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- BAUNSI District- Banka

1. BALESTER RAJAK @ BALESHWAR RAJAK Son of Late Raghunath Rajak Resident of Village- Sanga, P.S.- Bounsi, District- Banka.
2. Ram Kishor Rajak Son of Balester Rajak @ Baleshwar Rajak Resident of Village- Sanga, P.S.- Bounsi, District- Banka.
3. Subhash Rajak Son of Balester Rajak @ Baleshwar Rajak Resident of Village- Sanga, P.S.- Bounsi, District- Banka.
4. Kiran Devi W/o Ram Kishor Rajak Resident of Village- Sanga, P.S.- Bounsi, District- Banka.
5. Geeta Devi @ Gira Devi Wife of Balester Rajak @ Baleshwar Rajak Resident of Village- Sanga, P.S.- Bounsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 27-01-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the petition against petitioner no.1, namely, Balester Rajak @ Baleshwar Rajak.



Permission is accorded.

Accordingly, this petition is dismissed as withdrawn in respect of petitioner no.1, namely, Balester Rajak @ Baleshwar Rajak.

So far petitioner nos.2 to 5 are concerned, they are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

It is a case of assault upon the informant by the accused persons.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that there is no allegation of assault upon the informant by the petitioner nos.2 to 5.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In view of the fact that the main allegation of assault is against petitioner no.1 (Balester Rajak @ Baleshwar Rajak) and not against the petitioner nos.2 to 5, let the petitioner nos.2, (Ram Kishor Rajak), 3 (Subhash Rajak), 4 (Kiran Devi) and 5 (Geeta Devi @ Gira Devi), in the event of their arrest or surrender before the court below within a period of four 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 learned Chief Judicial Magistrate, Banka/Successor Court, Banka in connection with Bounsi P.S. Case No. 246 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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