

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52614 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- KAUWAKOL District- Nawada

1. KAMESHWAR RAJBANSHI Son of Mahabir Rajbanshi Resident of Village - Ajay Nagar, P.S.- Rupao, District - Nawada.
2. Ramu Rajbanshi Son of Kara Rajbanshi Resident of Village - Ajay Nagar, P.S.- Rupao, District - Nawada.
3. Preman Rajbanshi Son of Karu Rajbanshi Resident of Village - Ajay Nagar, P.S.- Rupao, District - Nawada.
4. Surendra Rajbanshi Son of Mahabir Rajbanshi Resident of Village - Ajay Nagar, P.S.- Rupao, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioners are in judicial custody in connection with Kawakole (Rupao) P.S. Case No. 202 of 2021 instituted under under Sections 147, 149, 341, 323, 308, 337, 338, 366(A), 504 and 506 of the Indian Penal Code.

Allegation in the FIR is that the petitioners herein and his son Dipak Kumar has confined the informant's daughter in his house for the purpose of marrying her with the said Dipak



Kumar. Upon this information, when they went to their place, it is alleged that all the accused persons assaulted them. It has further been alleged that the petitioner no. 1 (Kameshwar Rajbanshi) assaulted Rakesh Rajbanshi; petitioner nos. 3 & 4 (Preman Rajbanshi & Surendra Rajbanshi) assaulted Roshan Kumar & Suresh Rajbanshi respectively. When the villagers arrived the accused persons fled away.

In this case, case diary was called for on 08.04.2022 which has now been received.

A supplementary affidavit has also been filed annexing the different injury reports of injured persons which show that all the injuries that have come up in the case diary have been found to be simple in nature.

Learned APP having gone through the case diary concurs that the injuries have been found to be simple in nature so far as the alleged assaults by the petitioners concerned.

Considering the fact that the charge-sheet has already been submitted, the injuries have been found to be simple in nature and the petitioners are in judicial custody since 13.06.2021 (as stated in paragraph 9 of the bail application), this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of ACJM- IVth, Nawada in connection with Kawakole (Rupao) P.S. Case No. 202 of 2021, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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