

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24223 of 2023

Arising Out of PS. Case No.-676 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAKESH KUMAR RAJAK @ RAKESH RAJAK S/o- TANIK RAJAK
Village- Chilmil Ps- Mufassil Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 07-07-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Muffasil Police Station Case No. 676 of 2022, disclosing
offences punishable under Sections 341/323/307/427/448/ 354-
B/379/504/34 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the petitioner, along with others, armed with lathi,
danda and iron-rod, arrived at the door of the informant and
started abusing her and on objection being made, on the orders
of the petitioner, other co-accused persons started assaulting the
informant and co-accused Raj Kumar Rajak assaulted her by
means of iron-rod, causing head injury to the informant.



Learned Counsel for the petitioner submits that the fact of the matter is that the land of the sister of the petitioner was being grabbed/encroached upon by the side of the informant, which was being objected by the petitioner and her sister, as such, the scuffle took place between the parties. He further submits that a counter case has also been lodged by the brother of the petitioner against the informant and others, having the same date of occurrence, being Muffasil Police Station Case No. 677 of 2022. He further submits that no overt act has been alleged against the petitioner and at best, he can be said to be an order-giver. He further submits that the petitioner has got no criminal antecedent.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, there is no allegation of assault against the petitioner and the petitioner is an order-giver, having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail



bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Muffasil Police Station Case No. 676 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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