

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45096 of 2022

Arising Out of PS. Case No.-70 Year-2020 Thana- MEDNI CHAUKI District- Lakhisarai

Nikhil Rajak @ Nikhil Kumar @ Nitiesh Kumar S/O Rajendra Rajak @
Rabbu Rajak R/O Village- Jhapani, Navtoliya Sadh Baba Jhapani, P.S.-
Medani Chowki, District- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 14-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Medni Chowki P.S. Case No. 70 of 2020 registered for the offences punishable under Sections 341, 323 and 302/34 of the Indian Penal Code.

As per the prosecution, the informant's husband was assaulted by this petitioner along with other co-accused persons by means of fist and log over a dispute with regard to a mango



garden.

The main submissions advanced by petitioner's learned counsel are that the petitioner is a twenty one years old person having fair and clean antecedent and as per the FIR the main allegation is against the father of the petitioner Rabindra Rajak @ Rabbu Rajak who has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 40391 of 2020 and two co-accused persons namely, Laxmi Devi and Bindu Devi carrying similar nature of allegation like the petitioner have also been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 1677 of 2021 and in the FIR there is no specific allegation against the petitioner and the alleged occurrence was not pre-planned and the same took place at the spur of the moment.

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

Considering the above submissions and mainly the genesis of the occurrence as well as nature of allegation appearing against the petitioner, his fair and clean antecedent and his young age and also the fact that above-mentioned similarly situated two co-accused persons have been granted



anticipatory bail and one co-accused namely Rabindra Rajak who is carrying more serious allegation than the petitioner has also been granted anticipatory bail by a co-ordinate Bench of this Court, in my opinion the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Medni Chowki P.S. Case No. 70 of 2020.

(Shailendra Singh, J.)

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