

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46932 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- RAFIGANJ District- Aurangabad

RAJESH KUMAR S/O SARJUN BHUIYAN Resident of village- Nima, P.S.-
Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Rafiganj P.S. Case No. 46/2022 (G.R. No. 234/2022), registered for the offences punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having told the informant and his family members, while they were going to temple, that if they touch the bamboo fixed at their doorstep to go to the temple, the accused persons would assault them. The informant and his family members had then proceeded, since the only way to the temple was



through the said way, whereafter the co-accused persons, namely, Arjun Bhuiyyan and Dilip Kumar, had manhandled the informant and inflicted *lathi* blow on the head of the informant as also one co-accused, namely, Sunil Kumar had assaulted the brother of the informant resulting in them sustaining serious injuries. As far as the petitioner is concerned, he is stated to have inflicted a stick blow on the brother of the informant, namely, Janak Das.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 25.06.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case, but he is on bail in the said case. The learned counsel for the petitioner has referred to the injury report of said Janak Das, which is annexed as Annexure-2 to the present petition to submit that the injuries sustained by him have been found to be simple in nature. It is also



contended that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 12.07.2022, passed in Criminal Miscellaneous No.19853 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court, apart from the fact that the injury inflicted upon the said Janak Das, attributable to the petitioner has been found to be simple in nature, I deem it fit and proper to direct for release of the petitioner on bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad in connection with Rafiganj P.S.Case No. 46/2022, G.R. No.234 of 2022.

(Mohit Kumar Shah, J)

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