

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12799 of 2024

Arising Out of PS. Case No.-193 Year-2023 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Jogindra Rajak @ Jogendra Rajak Son of late Antu Rajak Resident of Village- _ Rajajan, P.S. Mansi, Distt. Khagaria
 2. Vikash Kumar Rajak @ Vikash Rajak Son of Jogindra Rajak @ Jogendra Rajak Resident of Village- _ Rajajan, P.S. Mansi, Distt. Khagaria
 3. Munindra Rajak @ Munna Rajak Son of Jogindra Rajak @ Jogendra Rajak Resident of Village- _ Rajajan, P.S. Mansi, Distt. Khagaria
 4. Mukesh Kumar Ranjan @ Mukesh Rajak Son of Jogindra Rajak @ Jogendra Rajak Resident of Village- Rajajan, P.S. Mansi, Distt. Khagaria
 5. Dharo Rajak @ Dharmendra Kumar Son of Jogindra Rajak @ Jogendra Rajak Resident of Village-Rajajan, P.S. Mansi, Distt. Khagaria
 6. Himanshu Rajak @ Hemant Kumar Hemanshu Son of Mukesh Rajak Resident of Village-Rajajan, P.S. Mansi, Distt. Khagaria
 7. Rakesh Kumar @ Rakesh Rajak Son of Munna Rajak Resident of Village-Rajajan, P.S. Mansi, Distt. Khagaria
 8. Rekha Kumari @ Rekha Devi D/O Mukesh Rajak Resident of Village-Rajajan, P.S. Mansi, Distt. Khagaria
 9. Juhee Kumari D/O Mukesh rajak Resident of Village-Rajajan, P.S. Mansi, Distt. Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tilphul Devi Resident of Village-Rajajan, P.S. Mansi, Distt. Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh
For the Opposite Party/s	:	Mr. Nand Kishore Prasad
For the O.P. No. 2	:	Mr. Mritunjay Kumar
		Mr. Srinath Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with the learned counsel for the O.P. No. 2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 447, 379, 307, 467 and 468 of the Indian Penal Code



read with Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioner no. 4 has antecedent of one case which was also instituted by the mother-in-law of the present complainant. It is next submitted that the petitioners have been falsely implicated in the instant complaint case by the complainant for the reason that there is a dispute relating to land in between the petitioners and the complainant. It is further submitted that the mother-in-law of the instant complainant had earlier instituted Complaint Case No. 185 of 2023 in the Court of learned Chief Judicial Magistrate, Khagaria in which the present petitioners along with others were also made accused. It is further submitted that the allegation if not verbatim was similar to what has been alleged in the instant complaint case. It is also submitted that the learned Magistrate in the case instituted by the mother-in-law was pleased to take cognizance only against Mukesh Rajak who is petitioner no. 4 in the present case. It is further submitted that against the rest of the accused of Complaint Case No. 185 of 2023, cognizance was not taken. It is thus submitted that since cognizance was not taken against rest of the accused persons in the complaint case instituted by the mother-in-law of the complainant, as such, the instant complaint case came to be



instituted with similar allegation.

4. Learned A.P.P. for the State along with the learned counsel for the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the submissions the learned counsel for the petitioners that mother-in-law of the instant complainant had earlier instituted a case in which the allegation is not verbatim was similar.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 193C of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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