

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43597 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- HASPURA District- Aurangabad

1. Baijnath Rajak Son of Kaji Rajak R/O VILLAGE- TILAUTI, P.S.- HASPURA, DISTRICT- AURANGABAD
2. Sachita Rajak @ Sachitanand Son of Baijnath Rajak R/O VILLAGE- TILAUTI, P.S.- HASPURA, DISTRICT- AURANGABAD
3. Chunmun Rajak @ Chunmun Kumar Son of Baijnath Rajak R/O VILLAGE- TILAUTI, P.S.- HASPURA, DISTRICT- AURANGABAD
4. Kunti Devi Wife of Baijnath Rajak R/O VILLAGE- TILAUTI, P.S.- HASPURA, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar , Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-09-2024 Heard learned counsel for the petitioners and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 307, 379, 341 , 323 , 324, 504, 354 and 34 of the Indian Penal Code .

3 . As per prosecution case , on 01.01.2024 at about 05:00 P .m. when the informant Jyoti Kumari had gone to attend the call of nature , in the meantime , petitioner No. 3 Chunmun Rajak started teasing her and due that informant started hulla , on hearing hulla, the mother Bhagwati Devi and brothers Ranjan



Kumar and Amrendra Kumar of the informant came to rescue the informant. It is further alleged that petitioner No. 1 Baijnath Rajak instigated the other accused persons to kill the prosecution party; on this petitioner No. 2 Sachita Rajak assaulted on the head of Ranjan Kumar with khanti due to which he sustained injury . It is further alleged that all the accused persons assaulted the prosecution party due to which informant's side sustained injuries. It is lastly alleged that petitioner No. 1 Baijnath Rajak snatched the gold chain from the mother of the informant.

4. It is submitted on behalf of the petitioners that they have been falsely been implicated in this case . As a matter of fact, the prosecution party made an allegation of witch practices against the family of petitioners, and when petitioners side opposed the same , a free fight took place between both the parties. It is further submitted that injury sustained by the injured persons are simple in nature . Rest of the allegation are ornamental in nature .

5 . Learned counsel for the State opposed the bail petition and submitted that petitioners are named in the F.I.R with specific accusation that they assaulted informant and his family members. Injury caused by petitioner No. 2 is grievous in



nature .

6 Considering the fact that injury caused by petitioner No. 2 is grievous in nature , his prayer for pre – arrest bail is rejected.

7. Considering the fact that injuries caused by petitioner Nos. 1 , 3 and 4 is simple in nature and other circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioner Nos. 1 , 3 and 4 as named above, be enlarged 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 the learned Judicial Magistrate Aurangabad in connection with Haspura P.S. Case No. 05 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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