

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13994 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

1. Jitendra Kumar @ Jitendra Rajwanshi, aged about 28 years, Male, Son of Late Shiv Rajbanshi.
2. Janki Rajwanshi, aged about 35 years, Male, Son of Late Shiv Rajwanshi.
Both are Resident of Village - Karu Bigha, Kushiyalpur, P.S. - Neemchak Bathani, District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Neemchak Bathani P.S. Case No. 218 of 2024 instituted for the offences punishable under Sections 126(2), 115(2), 110, 352, 351(2), 351(3) and 3(5) of the Bhartiya Nagrik Suraksha Sanhita (hereinafter referred to as 'B.N.S.S.').

3. As per the prosecution case, all the named accused persons including the petitioners have taken out the informant's son-in-law from her house and assaulted him due to which he became grievous injured and also doing firing upon the house of the informant.



4. Learned counsel for the petitioners submits that petitioners are innocent have committed no offence and have falsely been implicated in this case. He submits that the occurrence took place on 10.10.2024 and the FIR has been lodged on 13.10.2024, after a delay of three days of the occurrence and there is no any plausible explanation in this regard. He further submits that there is general and omnibus allegations of assault against all the accused persons. Petitioners have got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned District and Additional Sessions Judge-III, Gaya dated 07.01.2025, it appears that the allegation of assault is general and omnibus and no specific overt act has been alleged against these petitioners. FIR has been lodged after three days of the occurrence without any plausible reason and the injury report states that the injuries are simple in nature. Similarly situated co-accused persons namely Valdev Rajbanshi @ Baldeo Rajwanshi and Bachan Rajvanshi @ Lothe @ Bachhan Rajwanshi @ Lothe Rajvanshi have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 9184 of 2025 vide order dated 22.03.2025, so considering all these



aspects of the matter, let these petitioners above named in the event of their arrest or surrender before the Court below within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Gaya in connection with Neemchak Bathani P.S. Case No. 218 of 2024, subject to the conditions laid down in Section 482(2) of the B.N.S.S.

(Ramesh Chand Malviya, J)

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