

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20020 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- BARHIYA District- Lakhisarai

1. Rajeev Rajak S/o Suresh Rajak
2. Bipin Rajak @ Dharo Rajak S/o Suresh Rajak
3. Suresh Rajak S/o Late Lakhan Rajak
4. Nitu Devi W/o Bipin Rajak @ Dharo Rajak
5. Amlesh Rajak S/o Mister Rajak
6. Upendra Rajak S/o Arjun Rajak.
All are Resident of Village- Khuthadih, P.S- Barhiya, Distt.- Lakhisarai
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amrendra Kumar, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For the Informant	:	Mr. P.N.Shahi, Sr.Advocate
	:	Mr. Amit Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-05-2025 Heard Mr.Amrendra Kumar, learned counsel for the petitioners, Mr.P.N.Shahi, learned senior counsel for the informant and Mr.Bharat Bhushan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barhiya P.S.Case No.223 of 2024, FIR dated 13.09.2024 registered for the offences punishable under, Sections 126(2),115(2),109,117(2), 74,303(2),352,351(2),3(5) of B.N.S.

3. Informant Shambhu Rajak has alleged that on dated 13.09.2024 at about 10:00 A.M. informant's son namely Saurav



Kumar was coming home from his shop and during that when he reached near house of Bipin Rajak @ Dharo Rajak then that person started abusing informant's son and when he objected then accused persons namely Bipin Rajak @ Dharo Rajak (Petitioner), Mithun Rajak, Rajiv Rajak, (Petitioner), Amlesh Rajak, Upendra Rajak, Nitu Devi, (Petitioner), Suresh Rajak (Petitioner) dragged informant's son inside their home and there they badly thrashed informant's son and when on hearing hue and cry informant and his wife went to save their son then accused persons also hurled abuses on informant and his wife and Bipin assaulted informant's wife on her arm causing fracture and accused namely Mithun Rajak and Rajiv Rajak, one of the petitioner, disrobed informant's wife by pulling her Sari and also molested her. Other accused also snatched Rs. 6000/- from informant.

4. Learned counsel for the petitioners submits that petitioner Nos.2,5 and 6 carry one more case other than the present one and in this case they are on bail and petitioner Nos.1,3 and 4 have clean antecedent and they have falsely been implicated in the present case. The present case is counter blast of Barhiya P.S. Case No.222/2024 filed by the petitioners' side against the informant and his family members. Although



petitioners are named in the FIR but from a bare perusal of the FIR it transpires that there is general and omnibus allegation against all the accused persons including the petitioners. Specific allegation of assault is against co-accused person, namely, Bipin Rajak is that he assaulted to the wife of the informant. Although she has received the injury but the injury report of the wife of the informant is not on the record which suggests that she has not received any injury and apart from that, from a bare perusal of the injury report of other injured persons which suggests that all the injuries are simple in nature.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, there is case and counter case and injury inflicted upon the injured persons is simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 learned Chief Judicial Magistrate, Lakhisarai in connection with Barhiya P.S.Case No.223 of 2024, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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