

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20639 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- DURAULI District- Siwan

1. Ramaksha Rajbhar @ Ramuksha Rajbhar, Gender-Male, aged about 50 years, S/o Nandlal Rajbhar, Resident of Village- Chakari, P.S.- Darauli, District- Siwan
2. Abhishek Rajbhar, Gender-Male, aged about 20 years, S/o Ramaksha Rajbhar @ Ramuksha Rajbhar, Resident of Village- Chakari, P.S.- Darauli, District- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party	:	Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 16-07-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Darauli P.S. Case No. 346 of 2024 dated 30.10.2024 registered for the offences punishable under Sections 191(3), 190, 103(2) and 61(2)(a) of the B.N.S., 2023

3. As per the prosecution case, on 28.10.2024 at about 7.00 P.M., the co-accused Jairam Yadav took the informant's father from his house by saying that there is some work and he would come back within a few hour but he did not return. The informant went outside his house to search his father and as



soon as, he reached about 100 meters, he saw that near the house of Uma Gaur, the co-accused Binod Rajbhar, Sunny Deol Rajbhar, Rambhu Rajbhar, Dharmendra Rajbhar, Ramaksha Rajbhar (petitioner no. 1), Abhishek Rajbhar (petitioner no. 2) and Raziya Devi were assaulting his father. It is further alleged that the co-accused Binod Rajbhar having Garasi in his hand and the co-accused Sunni Deol Rajbhar having lathi in his hand brutally assaulted on the face and neck of his father, with an intention to kill him due to which, he sustained injuries and Abhishek Rajbhar (petitioner no. 2) having lathi in his hand and the co-accused Rajiya Devi having bricks in her hand assaulted the informant's father. It is further alleged that after seeing the informant, the accused persons threw Garasi, Lathi and bricks and fled away from the place of occurrence. Thereafter, the father of the informant died on the spot.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioners. There is nothing on record to show that due to assault of the petitioners as alleged in the F.I.R., the deceased succumbed to death. It is further submitted that the petitioners and the other co-accused persons



are family members and they have falsely been implicated in the present case. The petitioners and the informant are the neighbours and there is some dispute between the parties. There is no eye witness to the alleged offence. The petitioner no. 1 is aged about 50 years and he is suffering from various ailments. It is further submitted that there is allegation against the petitioner no. 2 that he assaulted with lathi to the deceased, however, the doctor has conducted postmortem of the deceased and has opined the cause of death 'Haemorrhage and shock caused due to the above mentioned injuries caused by sharp cutting object'. No incriminating article has been recovered from the possession of the petitioners. It is further submitted that the other co-accused persons, namely, Rajiya Devi in Cr. Misc. No. 5786 of 2025 vide order dated 12.05.2025, Rambhu Rajbhar @ Shambhu Bhar in Cr. Misc. No. 7888 of 2025 vide order dated 19.05.2025 and Dharmendra Rajbhar in Cr. Misc. No. 8684 of 2025 vide order dated 19.05.2025 have already been granted anticipatory bail by the different Co-ordinate Benches of this Court. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioners are in custody in this case since 31.10.2024.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Darauli P.S. Case No. 346 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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