

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15401 of 2026

Arising Out of PS. Case No.-139 Year-2024 Thana- MARANCHI District- Patna

1. Sitaram Rajak S/O Late Mahavir Rajak R/O Village- Gandhi Tola, P.S- Marachi, Distt.- Patna, Bihar.
2. Badal Kumar S/O Manoj Rajak R/O Village- Gandhi Tola, P.S- Marachi, Distt.- Patna, Bihar.
3. Kundan Rajak S/O Sitaram Rajak R/O Village- Gandhi Tola, P.S- Marachi, Distt.- Patna, Bihar.
4. Shankar Kumar Rajak S/O Sitaram Rajak R/O Village- Gandhi Tola, P.S- Marachi, Distt.- Patna, Bihar.
5. Laxman Rajak @ Laxman Kumar S/O Sitaram Rajak R/O Village- Gandhi Tola, P.S- Marachi, Distt.- Patna, Bihar.
6. Nitish Kumar S/O Shankar Rajak R/O Village- Gandhi Tola, P.S- Marachi, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gorang Chatterjee, Sr. Adv. Mr. Anirvan Choudhuri, Adv.
For the State	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Suraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-06-2026 Heard Mr. Gorang Chatterjee, learned Senior Advocate with Mr. Anrivan Choudhuri, learned Advocate for the petitioners and the learned APP for the State. The informant is represented through Mr. Suraj Kumar, learned Advocate.

2. The petitioners are apprehending their arrest in connection with Marachi P.S. Case No. 139 of 2024 registered for the offences under Sections 191(2), 115(2), 352, 351(2), 302(2) and 74 of the B.N.S., 2023.



3. Based upon the fardbeyan of the informant, the prosecution alleges that her uncle and grandfather as well as cousin brothers were trying to grab the share of the land and in this connection on 30.08.2024 at about 4.00 AM she found that all the petitioners and 5-7 women were indulged in hurling abuses and when the daughter of the informant came there and started crying, they fled inside the house. After some time, when the informant came out of the house, the petitioners were hiding there caught hold the informant and ravished her, besides also assaulted on her head and tore the cloth. It is further alleged that all the petitioners have badly molested the victim and bit her on her left shoulder. The petitioners have also snatched the valuables.

4. Learned Senior Advocate for the petitioners primarily submitted that the petitioners are none else, but close relatives. So far petitioner no.1 is concerned, he happens to be own grandfather whereas petitioner nos. 3, 4 and 5 are own uncles of the informant. Petitioner nos. 2 and 6 are said to be own cousins. Since both the parties are bickering over the land dispute, as is also evident from the F.I.R., a free fight has taken place, which resulted into unfortunate injury, but later on with a view to mount pressure and settle the score, the present case has



been instituted by making frivolous allegation. During the course of investigation, the police had also seized some video footage, which were produced by the petitioners and on perusal thereof, it appears that it is the informant's side, who were the aggressor and they damaged their own property and inflicted injury by their own to falsely implicate the petitioners. The statement of the independent witnesses have also been recorded by the investigating officer and reproduced in paragraph nos. 26-30 and 40 of the case diary. After going through the same, it would be evident that it is the informant's side, who were the aggressor and only in order to wreck vengeance, the present case has been instituted. There is a counter version of the present case, being Marachi P.S. Case No. 140 of 2024, registered against the informant and her family members.

5. On the other hand, learned APP for the State and the informant vehemently oppose the bail application. The learned Advocate for the informant taking this Court through the injury report has submitted that the injury clearly suggests and corroborates the allegation of molestation and brutal assault inflicted upon the informant. It is also submitted that in order to grab the share of the informant, the petitioners in collusion with each other have ousted the informant and her family members



and facing danger to their life, they left the place. The F.I.R. has been instituted long back in 2024, but the investigating officer has never visited the house of the petitioners to arrest them. The witnesses, who supported the prosecution case are non-else, but the own family members of the petitioners' side is the contention of the learned Advocate for the informant.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the close relationship of the petitioners with the informant, especially the petitioners are grandfather, uncle and cousin, besides the fact that omnibus allegation has been levelled against all the accused persons, as also the statements of the independent witnesses recorded in paragraph nos. 26-30 and 40 of the case diary as well as the video clipping, which has also been made part of the case diary with the certificate issued under Section 63(4) of the Bharatiya Sakshya Adhiniyam, 2023 and also the simple nature of injury as well as fair antecedent of the petitioners, this court finds that the petitioners have made out a case for anticipatory bail.

7. Accordingly, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy



of this order, be released on 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 learned Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Marachi P.S. Case No. 139 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioners with the further condition that if the petitioners shall be found indulged in threatening the witnesses or tampering the evidence, in such circumstances, the police/informant shall be at liberty to file an appropriate application against the petitioners.

(Harish Kumar, J)

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