

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49348 of 2015

Arising Out of PS.Case No. -93 Year- 2015 Thana -CHHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mohan Malik son of Late Langar Malik.
 2. Ramesh Malik son of Mohan Malik.
 3. Chhathu Malik son of Chaturi Malik.
 4. Mithu Malik son of Chaturi Malik. All resident of village- Gonahi, Police Station- Chhauradano, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Amrendar Kumar No. 1, Adv.
For the Opposite Party/s : Mr. Md. Ansarul Haque(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 10-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Chhauradano
P.S. Case No. 93 of 2015 registered for the offences punishable
under Sections 147, 149, 341, 323, 307, 380 and 302 of the Indian
Penal Code.

Allegedly the petitioners and other co-accused named
in the F.I.R., came at the house of the informant and with an
intention to kill, assaulted the informant, Rajiv Malik, Ranjit
Malik, Prem Malik, Yogi Malik, Bagha Malik and Lilan Devi and
further took away cash of Rs. 10,000/- which was kept in the

house. During treatment, Yogi Malik died and during investigation witnesses, vide para 7, 8, 9, 55 and 56 of the case diary, have stated that Binda Malik and Bindeshwari Malik assaulted Yogi Malik with Daab and handle of hand-pump and, as such, the petitioners who are suffering in custody since 25.07.2015, deserve sympathetic consideration as they have got no criminal antecedent and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that witnesses Anil Mishra, Manoj Mukhiya, Ram Kishore Chaudhary, Rajan Malik and Anil Malik during investigation, in the aforesaid paras of the case diary, have stated that Binda Malik and Bindeshwari Malik are the assailants.

In the facts and circumstances stated above, considering that the petitioners are not the assailants, chargesheet has already been submitted against them and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned J.M. 1st Class, Raxaul at Motihari, East Champaran arising out of Chhauradano P.S. Case No. 93 of 2015 subject to the conditions that one of the bailors must be near relative and

another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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