

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6791 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -PHULPARAS District- MADHUBANI

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1. Jamun Mallik
2. Rajendra Mallik Both sons of Awadha Mallik R/o Village- Khopa, P.S
Phulparas , Distt Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The prosecution case is that the informant was fishing in the tank when the accused persons came and made protest whenon the order of petitioner no.2 Rajendra Mallik, co-accused Umesh Mallik assaulted with garasa on the head of the informant as a result he fell down and when the informant's brothers Ashok and Ram Bilas came to rescue then they were also assaulted by the accused persons. It is also alleged that petitioner no.1 Jamun Mallik caused teeth bite injury on the hand of the informant when co-accused Umesh Mallik snatched Rs. 7,000/-.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of share dispute with regard to tank in question. Accusation of assault is not against the petitioner no.2, he is simply the order giver when petitioner no.1 is alleged to have caused teeth bite injury on the hand of the informant but medical report does not corroborate such accusation. There is counter version of the occurrence also and petitioners' side also received injuries. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 57 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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