

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14122 of 2016

Arising Out of PS.Case No. -265 Year- 2015 Thana -RAJAULI District- NAWADA

- =====
1. Ashok Malakar @ Asok Malakar
 2. Mukesh Malakar
 3. Sabik Malakar
 4. Bablu Malakar
 5. Shiv Shankar Malakar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-03-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 447, 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

The prosecution case is that on 14.10.2015 at 7 PM the accused persons came to the house of informant variously armed and co-accused Binod Malakar assaulted the informant with iron rod on her head. Mukesh Malakar, petitioner No.2, assaulted the informant with iron rod causing fracture injury on her hand. Other accused persons also assaulted her with Lathi and Danda. On alarm being raised informant's sons, Suraj, Dhiraj and Raushan came to rescue but they were also assaulted by the accused

persons. It is alleged that petitioner No.4, Bablu Malakar, snatched golden chain of the informant while petitioner No.5, Shiv Shankar Malakar, snatched her earring.

It is submitted by the learned counsel for the petitioners that in the backdrop of previous land dispute the accusation has been levelled. Except one injury of the informant on her hand other injuries are found to be simple. There is counter version of the occurrence.

Considering the fact that there is accusation against petitioner No.2, Mukesh Malakar, of causing grievous injury on the hand of informant, let the learned court below consider the prayer for regular bail of the petitioner No.2 in case he surrenders within six weeks from today in connection with Rajauli P.S. case No. 265 of 2015 pending in the court of learned C.J.M., Nawada.

This application is disposed of with the aforesaid observation/direction.

So far as petitioners Nos. 1, 3, 4 and 5 are concerned, the accusation is omnibus and general that they have assaulted the sons of the informant. Accordingly, let the above named petitioners Nos. 1, 3, 4 and 5 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of

Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nawada in connection with Rajauli P.S. Case No. 265 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)

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