

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37390 of 2017

Arising Out of PS.Case No. -139 Year- 2016 Thana -SURYAGARHA District- LAKHISARAI

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1. Nagina Mallik, S/o Late Rambhajju Mallik
2. Mithu Mallik, S/o Nagina Mallik
3. Suresh Mallik, S/o Moto Mallik
4. Surendra Mallik, S/o Moto Mallik
5. Rajendra Mallik, S/o Tanik Mallik
6. Shaligram Mallik, S/o Tanik Mallik
7. Upendra Mallik S/o Tanik Mallik
8. Rajesh Mallik, S/o Rajendra Mallik all Resident of Village- Katehar,
P.S.-Surajgarha, District-Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-08-2017 Heard learned counsel for the petitioners and the State.

Learned counsel for the informant appears and opposed the prayer
for bail of the petitioners.

The petitioners seek bail in Suryagarha P.S. Case No.
139 of 2016 instituted for the offence under Sections-147, 148,
149 and 302 of the Indian Penal Code.

It has been submitted on behalf of petitioners that the
date of occurrence is said to be 14-05-2015. The instant complaint
case has been filed on 18-06-2015 after delay of more than one
month, which was sent to the police station u/S 156(3) of the



Cr.P.C.

It has further been submitted that prior to lodging of the instant complaint, the informant has filed UD case bearing No. 04 of 2015 on 15-05-2015 itself wherein she has stated that cause of death of her husband was on account of oozing blood from the mouth and nose due to illness. The photocopy of U.D. case No. 04 of 2015 is annexed as Annexure-2 to this petition.

In the instant case, it is alleged that these petitioners along with other eight persons brutally assaulted the husband of the informant with Lathi, Danda, on account of which, her husband succumbed to the injuries. The postmortem report has been annexed as Annexure-4 to this petition wherein the doctor has found only two injuries on the person of the injured; the injury No. 1 is oozing blood from mouth and nostril and injury No. 2 is contusion over upper part of chest size 4"x3". The U.D. Case was earlier lodged by the informant just on the next day of the occurrence in which, it has been stated by the informant that death took place due to bleeding from nose and mouth on account of illness.

In such circumstances, prayer for bail is allowed. The petitioners named above are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each in connection with Suryagarha
P.S. Case No. 139 of 2016 to the satisfaction of learned Chief
Judicial Magistrate, Lakhisarai subject to condition that both the
bailors should be close relative of the petitioners.

(Sanjay Priya, J)

A.K.V./-

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