

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.61516 of 2017**

Arising Out of PS.Case No. -82 Year- 2017 Thana -RAXAUL District-  
EASTCHAMPARAN(MOTIHARI)

=====

Sadhu Malik, Son of Nannu Malik, Resident of village- Ahirwa Tola, Ward  
No.-7, Police Station- Raxaul (Haraiya O.P.), District- East Champaran

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Md. Ansarul Haque

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

02/ 19-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in  
a case registered for the offences punishable under Sections 341,  
323, 324, 307, 379 and 504/34 of the Indian Penal Code.

The prosecution case is that the informant  
Champa Devi submitted a written report before the SHO, Raxaul  
Police Station stating therein that on 30.03.2017 at 10.30 A.M.  
she and her family members were at their house, in the  
meantime, all the five accused persons including the petitioner,  
being variously armed, came and started indiscriminately  
assaulting the sons of informant's sister namely, Rajendra Mallik  
and Mahesh Mallik with intention to kill them, when Bihari



Mallik and Laxmi Devi came to rescue, they were also brutally assaulted and gold chain and nose-pin of Laxmi Devi was snatched by the accused persons. In all, four persons received injuries.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general. The impugned order does not suggest that any substantial injury has been caused. There is also counter version of the occurrence, being Raxaul P.S. Case No. 83 of 2017. Moreover, co-accused Bhanu Mallik, Vikram Mallik, Akash Mallik and Pramila Devi have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 03.10.2017 passed in Cr. Misc. No. 45628 of 2017.

Considering the nature of accusation being omnibus and general, the impugned order or the FIR does not specifically suggest about the nature of injury being caused, a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent coupled with the fact that similarly situated co-accused persons have been granted anticipatory bail, let the above named petitioner 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Raxaul P.S. Case No. 82 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

