

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11004 of 2017

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

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1. Nagina Dom @ Nagina Mallik, Son of Ram Bhajju Malik.
 2. Sanjay Mallik, Son of Nagina Mallik.
 3. Uday Mallik, Son of Nagina Mallik.
 4. Mithu Mallik, Son of Nagina Mallik.
 5. Suresh Mallik, Son of Late Moto Mallik.
 6. Yogendra Mallik, Son of Late Moto Mallik.
 7. Surendra Mallik, Son of Late Moto Mallik.
 8. Ranjeet Mallik, Son of Late Moto Mallik.
 9. Rajendra Mallik, Son of Late Tanik Mallik.
 10. Shaligram Mallik, Son of Late Tanik Mallik.
 11. Prakash Mallik, Son of Late Tanik Mallik.
 12. Upendra Mallik, Son of Late Tanik Mallik.
 13. Kapildeo Mallik, Son of Rajendra Mallik.
 14. Pankaj Mallik, Son of Rajendra Mallik.
 15. Rajesh Mallik, Son of Rajendra Mallik.
 16. Lobu Mallik @ Lolu Mallik, Son of Shaligram Mallik. All are Resident of Village- Kalehas, P.S.- Surajgarha, District- Lakhisarai.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ambika Bhagat, Advocate
For the informant : Mr. Binay Kumar, Advocate
For the Opposite Party : Mr. Ataur Rahman (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-04-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Surajgarha P.S. Case No. 139 of 2016, registered for the offences punishable under Sections 147, 148, 149, & 302 of the



Indian Penal Code.

Allegedly, all the accused persons (petitioners) after forming an unlawful assembly brutally assaulted Arjun Mallik (husband of the informant) by means of lathi, danda due to which he sustained severe injuries and died on the spot and thereafter they fled away from there.

Submission is of false implication and that earlier U.D. Case was registered on the next date of the occurrence and postmortem was also held and on postmortem report only two injuries were found on the person of the deceased thereafter after lapse of 28 days on the basis of complaint petition this case has been registered, there is no specific allegation against the petitioners and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that all the witnesses have supported the allegations including the informant and the petitioners have brutally assaulted the husband of the informant causing his death, two injuries have been found on the person of the deceased also, so the petitioners do not deserve sympathetic consideration.

In the facts and circumstances as stated above,



considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Surajgarha P.S. Case No. 139 of 2016, pending in the Court of learned Chief Judicial Magistrate, Lakhisarai.

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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