

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7697 of 2019

Arising Out of PS. Case No.-235 Year-2018 Thana- MIRGANJ District- Gopalganj

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1. Subhawati Devi, Wife of Lal Babu Mallah
 2. Kanti Devi, Wife of Late Narayan Mallah
 3. Lilawati Devi, Wife of Kanta Yadav
 4. Rekha Devi, Wife of Rakesh Mallah
 5. Subash Sah, Son of Rikhai Sah
 6. Biresh Mallah, Son of Lal Babu Mallah
 7. Ram Chandra Sharma, Son of Lallan Sharma
 8. Parma Mallah, Son of Kabilash Mallah

All are residents of Village – Badarjimi, P.S. Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary, Advocate
For the State	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Dhananjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 25-02-2019 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the Informant.

In this case, the petitioners are seeking anticipatory bail in connection with Mirganj P.S. Case No.235 of 2018, registered for the offences punishable under Sections 147, 148, 149, 307, 380, 504, 427, 435 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation has been made that 71 accused persons have entered into the house of the Informant, assaulted and ransacked the entire house as also they have looted the valuable



articles from the house.

The informant has appeared and pointed out that the petitioner no.6, namely, Biresh Mallah has criminal antecedent, but he has not stated in paragraph 3 of this petition and today, learned counsel for the petitioners accepts that one case has already been lodged against him but after the final order passed by the court below but certainly prior to filing of this petition.

This Court has made it clear that if the person, who has sworn the affidavit, has suppressed the fact regarding criminal antecedent of Biresh Mallah (petitioner no.6), then this Court will take suitable action against him.

Accordingly, the prayer for bail of petitioner no.6 is rejected.

As the person, who has sworn the affidavit, has not mentioned in the petition about the criminal antecedent of the petitioner no.6, this Court directs Prabhunath Mallah, son of Chandrika Sahani @ Chandrika Mallah, resident of village -Badarjimi, P.S.-Mirganj, District- Gopalganj to deposit a cost of Rs.7500/- in the Patna High Court Legal Services Committee within a period of two weeks.

However, it is made clear that in failure to deposit the



cost of Rs.7,500/-, this Court directs the Collector, Gopalganj to realise the amount from the said Prabhunath Mallah and deposit the same in the Patna High Court Legal Services Committee.

Looking to the entire facts and circumstances of the case, let the petitioner nos. 1 to 5 and 7 to 8 (except the petitioner no.6) be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No.235 of 2018 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan

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