

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42307 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- DARPA District- East Champaran

1. Sikandar Mali S/o Shivnan Mali @ Shivnand Mali, Resident of Village- Siswaniya, P.S.- Darpa, District- East Champaran
2. Vishal Mali Son of Shivnan Mali @ Shivnand Mali, Resident of Village- Siswaniya, P.S.- Darpa, District- East Champaran
3. Shivnan Mali @ Shivnand Mali S/o Late Phooldhar Mali, Resident of Village- Siswaniya, P.S.- Darpa, District- East Champaran
4. Chanda Devi W/o Sikandar Mali, Resident of Village- Siswaniya, P.S.- Darpa, District- East Champaran
5. Sona Devi @ Soni Devi W/o Dineshwar Mali, Resident of Village- Siswaniya, P.S.- Darpa, District- East Champaran

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Darpa P.S. Case No. 23 of 2019 registered for the offences punishable under Sections 147, 149, 447, 448, 341, 323, 307, 302 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that although there is specific allegation against the petitioner no. 1



Sikandar Mali that he had snatched the grand daughter of the informant from the lap of her mother and had thrown her on the earth which ultimately caused death of the grand daughter, so far as other petitioners are concerned, there is no specific allegation against them.

Learned counsel submits that even the allegation against Sikandar Mali seems to be a false implication, inasmuch as, the post mortem report shows much gap in the time of death. According to him, the FIR shows that the grand daughter of the informant died on the same day but the post mortem report shows the death occurred day after the occurrence took place.

Learned APP for the State has opposed the prayer of anticipatory bail of petitioner no. 1 on the ground that there is specific allegation against him. So far as other petitioners are concerned, no specific allegations have been brought to the notice of this Court.

In the given facts and circumstances of the case, this Court is not willing to extend the privilege of anticipatory bail to Sikandar Mali (petitioner no. 1). Therefore, his prayer for anticipatory bail is refused.

However, if the petitioner no. 1 surrenders and prays for regular bail within a period of four weeks from today before



the learned court below the same shall be considered on its own merit on the basis of the materials available on the record without being prejudiced by the order of this Court.

So far petitioners no. 2 to 5 are concerned, since no specific allegations have been brought to the notice of the Court against these petitioners and some of them are female members of the family, let the petitioners no. 2 to 5 above named in the event of their arrest or surrender within a period of four weeks from today in connection with Darpa P.S. Case No. 23 of 2019 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

