

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59510 of 2019

Arising Out of PS. Case No.-78 Year-2019 Thana- KURTHA District- Jehanabad

1. ZAHID MALLICK Son of Suhail Mallick Resident of Village - Gauhara, P.S.- Kurtha and Dist.- Arwal.
2. Amir Mallick Son of Suhail Mallick Resident of Village - Gauhara, P.S.- Kurtha and Dist.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 23-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal Code registered in connection with Kurtha P.S. Case No. 78/2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties, who are gotia. In any event, the accusations against the petitioners are general and omnibus in nature. The case of the petitioners stand on better footing than that of Md. Shamshir @ Shamshir Mallick who is said to have fired from rifle on the informant's cousin Shahnawaz, has been granted anticipatory bail by this Court in Cr. Misc. No.50925 of 2019. Injuries on the informant's side are attributed to other co-accused persons.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners' be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



each with two sureties of like amount each to the satisfaction of learned CJM, Arwal, Jehanabad, in connection with Kurtha P.S. Case No. 78/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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