

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 21528 of 2020

1. Wasim Mallick
2. Jasim Mallick
both sons of Late Shamim Mallick
3. Sabiya Khatoon, daughter of Late Shamim Mallick,
All residents of Village-Talar, P.S.-Chandradeep, District-Jamui.
... .. Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioners : Mr. Md. Najmul Hodda, Advocate
For the Respondent State: Smt. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-08-2020 Heard Mr. Md. Najmul Hodda, learned counsel

appearing on behalf of the petitioners and Smt. Shaheen Begum,

learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Chandradeep P.S. Case No. 17 of 2020, registered for the offence punishable under Sections 147, 149, 341, 323, 504, 506, 307 and 337 of the Indian Penal Code.

There is allegation in the First Information Report against the petitioners of having assaulted with *lathi* and bricks. Land dispute between the parties has been described to be the cause of occurrence in the First Information Report.

It is submitted on behalf of the petitioners that the allegations are apparently general and omnibus and a counter case has been filed giving rise to Chandradeep P.S. Case No. 18



of 2020 in respect of the same occurrence. It has been argued that it was a sudden free fight between the parties, which has led to lodging of two First Information Reports.

Be that as it may, considering the facts and circumstances and nature of accusation, in my opinion, a case for grant of anticipatory bail is made out. This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Jamui, in Chandradeep P.S. Case No. 17 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be removed within two months.

Since there is a lock down, the Court has considered it



appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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