

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78069 of 2019

Arising Out of PS. Case No.-789 Year-2019 Thana- PHULWARISHARIF District- Patna

1. SAHABUDDIN MALLIK @ SHAHAB MALLIK @ SHAHABUDDIN Son of Rafiuddin Mallik
2. Bare Mallik @ Sajid Mallik @ Md. Sajid @ Bade Malliak Son of Md. Bahabuddin Mallik @ Bahab Mallik @ Bahabuddin Mallik
3. Sonu Malik @ Sonu Mallik @ Sah Nawaj Mallik Son of Sahabuddin Mallik @ Shahab Mallik
4. Bahabuddin Mallik @ Bahab Mallik @ Wahabuddin Mallik Son of Late Rafiuddin all are Resident of Mohalla- Naya Tola Madarsa Lane, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case as lodged by the informant is that when he was engaged in marriage of his sister, petitioners along with 6 other co-accused persons entered into marriage hall and



started firing and assaulting guests in the marriage hall.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioners. He submits that none have sustained any injury or firearm injury which itself proves that present case has been lodged in retaliation. He further submits that the petitioners bear no criminal antecedent.

In the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-9th, Patna in connection with Phulwarisharif P.S. Case No. 789 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(II) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(III) 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 reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(IV) 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.

(Anjani Kumar Sharan, J)

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