

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35358 of 2020

Arising Out of PS. Case No.-209 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Shakti Malik @ Shakti Mallik, aged about 35 years, Male, S/o Chandrika Malik, R/o Village Naurangabag, P.S. Bettiah (Town), District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. APP
For the Informant	:	Mr. Anant Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-03-2021 Heard both sides.

The petitioner apprehends his arrest in Bettiah (Town)
P.S. Case No.209 of 2020, registered under Sections 147, 148,
149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

The informant alleged that his neighbour Raushan Malik came and pushed him by his motorcycle on account of previous dispute. When the informant asked about the reason, Raushan Malik, Vikash Malik, Akash Malik, Vishal Malik, Rajesh Malik, Arvind Malik, Shakti Malik, Rajkumari Devi, Rajesh Malik and Rita Devi came having armed with different weapons. On the order of Rajesh Malik, Raushan Malik assaulted the informant with *farsa* on his head. Vikash Malik



also assaulted him on his right leg. When Rohit Malik, brother of the informant, came, Akash Malik assaulted him with *farsa* on his head and Vishal Malik also assaulted the brother of the informant. Thereafter all the accused persons including the petitioner, Shakti Malik are alleged to have assaulted the informant and his brother with *lathi* and *danda*.

Learned counsel for the petitioner submits that specific allegation of assault is made against Raushan Malik, Vikash Malik, Akash Malik and Vishal Malik. Thereafter all the accused persons including the petitioner are alleged to have assaulted the informant and his brother, but from perusal of the injury report of the informant and his brother, it would appear that both got one injury on their head and this fact itself indicates that petitioner is not the assailant of the informant and his brother. There is counter version being Bettiah Town P.S. Case No.210 of 2020.

The learned counsel for the informant and the learned APP, however, vehemently opposed the prayer for bail and submit that opinion with regard to the injury found on the head of the informant is kept reserved, but it appears that the petitioner is not the assailant of the informant. The informant made specific allegation against Raushan Malik, Vikash Malik,



Akash Malik and Vishal Malik that they assaulted the informant and his brother. Thereafter omnibus and general allegation is made against the petitioner and others, but only one injury on the head of the informant and only one injury on the head of the brother of the informant were found.

Taking into consideration the facts aforesaid, petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No.209 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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