

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35161 of 2020

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

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1. Vishal Kumar @ Vishal Malik @ Vishal Mallik, S/o Rajesh Mallick.
 2. Raushan Malik @ Raushan Mallik, S/o Rajesh Mallick.
- Both are R/o Village- Naurangabag, P.S.- Bettiah (Town), District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the Informant	:	Mr. Sanjay Kumar No. 7, Adv.
		Mr. Anant Kumar Mishra, Adv.
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 30-06-2021 Heard Mr. Bimlesh Kumar Pandey, the

learned Advocate for the petitioners and Mr. Sanjay

Kumar No. 7, the learned counsel for the informant.

The State is represented by Mr. Anil Kumar, the

learned APP.

Earlier *vide* order dated 30.03.2021, this



Court had called for the case diary and had granted provisional bail to the petitioners.

The petitioners seek bail in anticipation of their arrest in connection with Bettiah (Town) P.S. Case No. 209 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

The petitioners are said to have assaulted the informant and his brother. The petitioner No. 2 is said to have assaulted the informant by means of *farsa* on his head, whereas the petitioner No. 1 is said to have assaulted one Rohit on his hand. The nature of the injuries on the informant as also on his brother has not been stated in the injury report as the assessment with respect to the same is yet to be made.

It has also come to the notice of this Court that one Shakti Mallick has been granted anticipatory bail by a Bench of this Court on 19.03.2021 in Cr. Misc. No. 35358 of 2020. However, the prayer for grant of anticipatory bail of two of the other accused



persons, viz., Akash Mallick and Vikash Mallick has been refused by another Bench of this Court *vide* order dated 28.04.2021.

The learned counsel for the petitioners has submitted that even though the order granting bail to accused/Shakti Mallick and provisional bail to the present petitioners was made known to the Bench, then also the prayer for anticipatory bail of Akash Mallick and Vikash Mallick was rejected.

Perused all the orders along with the records of this case.

This Court had called for the case diary and had granted provisional bail to the petitioners for the reason that it was not known at the time of hearing of this application as to the nature of injuries suffered by the victims. Precisely for this purpose, the case diary was called.

Though the assessment of injuries received by the victims have not been given, but considering the dimensions of such injuries, I am not inclined to allow



the petitioners to continue with the provisional bail.

Mr. Pandey, the learned Advocate for the petitioners has submitted that the co-accused persons, viz., Akash Mallick and Vikash Mallick were having cases against them from before, but the petitioners do not have criminal antecedents.

The aforesaid submission does not convince the Court for continuing with the privilege of provisional bail, pending final determination by this Court.

For the aforesaid reasons and looking at the nature of accusation, this Court is not inclined to extend the privilege of provisional bail to the petitioners.

The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected.

However, if the petitioners surrender before the Court below and seek bail, the Court below, after taking into account the fact that the petitioners are persons of tender age and are students, shall pass orders in accordance with law, without being prejudiced



by the fact that the present anticipatory bail application
on their behalf has not been entertained by this Court.

The application stands disposed off
accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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