

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5049 of 2021

Arising Out of PS. Case No.-362 Year-2018 Thana- GOGRI District- Khagaria

1. Sagar Mallik S/o Late Makhan Mallik Resident of Vill.- Itahari, P.S. Gogri, Distt.- Khagaria.
2. Jhaltu Mallik S/o Bhikhan Mallik Resident of Vill.- Pansalwa, P.S. Beldaur, Distt.- Khagaria.
3. Kajli Mallik S/o Late Ramswarup Mallik Resident of Vill.- Salarpur, P.S. Parbatta, Distt.- Khagaria.
4. Pappu Mallik S/o Ramdas Mallik Resident of Vill.- Sanhauli, P.S. Chitraguptanagar, Distt.- Khagaria.
5. Mithilesh Mallik S/o Lukho Mallik Resident of Vill.- Sanhauli, P.S. Chitraguptanagar, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioners seek bail in Gogri P.S. Case No. 362 of 2018, G.R. No. 3008 of 2018, registered for the offence under Sections 302, 201, 34 of the Indian Penal Code.

As per the prosecution case, all the nine FIR named accused persons, including these petitioners, alongwith 8-10 unknown persons are alleged to have forcibly taken father of the informant for treatment of son of Lukho Mallik (co-accused) by



exorcism. It is further alleged that son of co-accused Lukho Mallik died during course of treatment in Begusarai and the informant received an information about the dead-body of her father being recovered.

It is submitted on behalf of petitioners that there is no eye-witness to the alleged occurrence and only on suspicion, general and omnibus allegation has been levelled against these petitioners of committing the alleged offence. It is further submitted that one of the co-accused namely Lukho Mallik has already been granted bail by a coordinate Bench of this Court, vide order dated 18.09.2019 passed in Cr.Misc. No. 37508 of 2019 (Annexure -2). Petitioners no. 1, 4 & 5 are in custody since 05.06.2020, whereas, petitioners no. 2 & 3 are languishing in jail since 15.06.2020 and have got no criminal antecedent. Chargesheet has already been submitted.

Considering the general & omnibus nature of allegation against these petitioners and the fact that petitioners have got clean antecedent, the bail application of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri



P.S. Case No. 362 of 2018, G.R. No. 3008 of 2018, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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