

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21433 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- SUPPI District- Sitamarhi

1. SIKINDRA MALLIK @ SIKANDAR MALLIK Son of Jiwachh Mallik Resident of village - Rajepur Tola, P.S.- Suppi, District - Sitamarhi.
2. Shankar Mallik Son of Anup Mallik Resident of village - Begahi, P.S.- Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in Suppi P.S. Case no. 129 of 2021 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per allegation on 08.07.2021 both petitioners came at the house of the informant and took informant's father with them and as per further allegation in the night of 09.07.2021 when her father was returning to his home, he was assaulted and murdered and the informant raised suspicion against the petitioners to be involved in the murder of her father on account of previous enmity and dispute



having run between the petitioners and informant's family.

The main submissions advanced by Sri Uday Kumar learned counsel appearing for the petitioners are that the informant is not an eye-witness of the alleged murder, she has only raised suspicion against the petitioners in the alleged murder, admittedly, there was no good relation between the petitioners and deceased due to which petitioners have been falsely roped in this case. Further submission is that petitioners have got no criminal antecedent and petitioner no.1 has been languishing in jail since 02.12.2021 and petitioner no.2 since 29.10.2021. Further submission is that in the post mortem report of the deceased no external injury was found except some injuries on the knee of the deceased.

Learned APP Sri Mukeshwar Dayal has opposed the prayer for bail.

Heard both sides and perused the FIR. As per FIR there was no good relation between the deceased and the petitioners and as per allegation one day before the alleged murder of the deceased, petitioners took the victim from his house and thereafter, dead body of the victim was found. As per FIR deceased was lastly seen in the company of the petitioners and the informant directly made allegation against the petitioners.

Considering the nature of the allegation, this Court is not inclined to grant bail to the petitioners. Accordingly, their prayer for bail stands rejected.



Both petitioners may renew their prayer for bail after framing of the charge. If petitioners avail said liberty, the learned court below shall decide the bail prayer of the petitioners on merit without being prejudiced by this order.

(Shailendra Singh, J)

s.hassan/-

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