

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25359 of 2022

Arising Out of PS. Case No.-205 Year-2020 Thana- PANDAUL District- Madhubani

RAJESH MALLIK, Son of Gangaba Resident of village - Raghu Nath Pur,
P.S.- Pandaul, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Pandaul P.S. Case No.205 of 2020 instituted under Sections
147,148,149,302,307 of the Indian Penal Code.

The allegation in the FIR is that, the informant alleged
that named accused Kame Singh, Ashok Singh, Pappu Singh,
Ajay Singh, Ajit Singh and Arun Roy along with 40-50 persons
were beating his son. Subsequently, he was rushed to Darbhanga
and from there to Patna Medical College Hospital where he was
declared brought dead.

Learned counsel for the petitioner submits that the



aforesaid FIR clearly shows that six people have been named in the FIR as the persons who were beating the informant's son. He further submits that there is omnibus allegation against 40-50 other persons that they too were part of that assault, the petitioner being one of them. He submits that one month after the FIR, it appears that on the basis of videography, the name of the petitioner cropped up among that 40-50 persons. He as such submits that considering the fact that specific allegation is against the named accused and omnibus allegation against 40-50 persons including the petitioner herein he is in custody since 19.02.2021 (as stated in para-17 of the bail application), the petitioner deserves bail.

Considering the fact that specific allegation is against named accused persons, the petitioner is amongst the 40-50 people against whom omnibus allegation assault is there, he is in custody since 19.02.2021, charge-sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Pandaul P.S. Case No.205 of 2020 to the satisfaction of learned Chief



Judicial Magistrate, Madhubani, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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