

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46929 of 2021

Arising Out of PS. Case No.-718 Year-2020 Thana- AMARPUR District- Banka

1. Ganouri Mallik @ Shambhu Ganouri S/O Late Bholu Mallik R/O Village-Madhodih, P.S- Harpur, District-Munger.
2. Hazari Mallik S/O Ganouri Mallik @ Shambhu Ganouri R/O Village-Madhodih, P.S- Harpur, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 08-08-2022 Heard Mr. Ranjan Kumar Jha, learned counsel appearing on behalf of the petitioners and Mr. Md. Anbzarul Haque Sahara, learned APP for the State.

Petitioners seek regular bail in connection with Amarpur P.S. Case No. 718 of 2020 registered for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in brief is that a fard-beyan was recorded by one Balo Mallik, son of the deceased that petitioners along with other persons took his father out of his house and thereafter they had committed murder.

Learned counsel appearing on behalf of the petitioners



submits that the petitioners are innocent and they have falsely been implicated in the present case due to some ulterior motive. Wife of the petitioner no. 1 was suffering from some serious diseases for which they used to visit the house of the father of the informant. There is no eye witness to the alleged commission of murder. The FIR was lodged after recovery of the dead body from a field near Ratanpur road. He further submits that petitioners are in custody since 26.12.2020 and 07.01.2021 and charge-sheet has already been submitted in the present case. On these grounds petitioners seek to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioners. He submits that the petitioners are made accused for committing murder of the father of the informant. The petitioners were last seen along with the deceased and the complicity of the petitioners in the alleged murder of the father of the informant cannot be ruled out.

Having heard the rival submissions of the parties and having perused the allegations made in the FIR and the materials which have surfaced in course of investigation, it appears that the petitioners were last seen along with the



deceased. The deceased and the petitioners are closely related. There is no eye-witness to the alleged murder. The dead body of the deceased was found in a field near Ratanpur road. Due to some enmity, the petitioners have been named in the FIR on mere suspicion for committing alleged murder of the father of the informant. Charge-sheet has already been submitted and there is no likelihood of the trial being concluded in near future, I am of the opinion that petitioners have prima facie made out a case to be released on bail.

The Court below is directed to release the petitioners, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarapur P.S. Case No. 718 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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