

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44587 of 2022

Arising Out of PS. Case No.-366 Year-2020 Thana- KONCH District- Gaya

1. PAPPU MALLAH @ AMIT KUMAR S/o- Madheshwar Mallah Resident of Village - Ghorha, P.S. - Konch, District - Gaya.
2. Shivchand Mallah @ Shivchand Kumar S/o- Lakshman Chaudhary @ Lakshman Mallah Resident of Village - Ghorha, P.S. - Konch, District - Gaya.
3. Santosh Mallah S/o- Lakshman Mallah @ Lakshman chaudhary Resident of Village - Ghorha, P.S. - Konch, District - Gaya.
4. Kanchan Mallah @ Kanchan Kumar S/o- Lakshman Chaudhary @ Lakshman Mallah Resident of Village - Ghorha, P.S. - Konch, District - Gaya.
5. Lakshaman Mallah S/o- Sudhan Mallah Resident of Village - Ghorha, P.S. - Konch, District - Gaya.
6. Shankar Mallah S/o Raghuni Mallah Resident of Village - Ghorha, P.S. - Konch, District - Gaya.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Petitioners were granted anticipatory bail vide order dated 28.11.2022 passed in Cr. Misc. No.49645 of 2021 but the



bail bond of some of the petitioners could not be furnished due to mismatch of their parentage in the Aadhar Card. Learned counsel for the petitioners approached this Court for correcting the same but this Court directed him to file a fresh bail application and the said application was dismissed as withdrawn with the liberty aforesaid. Hence, this application.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504 & 34 of the Indian Penal Code.

While the informant was in his house, all the accused persons are said to have entered into his house armed with lathi-danda, iron-rod and started abusing and assaulting as a result he got grievous injury on his head. When his brother, wife and nephew rushed in his rescue they were also assaulted by them. The reason behind the occurrence is said to be land dispute.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute. As a matter of fact, both the parties are *Gotiyas* and due to land dispute there was a free fight between both parties in which both the parties have sustained grievous injury. There



is case and counter case between the parties. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Konch P.S. Case No.366/2020 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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