

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57690 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- ALAMNAGAR District- Madhepura

1. ASHOK MALLIK Son of Upendra Mallik
2. Horil Mallik Son of Upendra Mallik
3. Manoj Mallik Son of Upendra Mallik
4. Ajay Mallik Son of Sri Ashok Mallik
All Resident of Village - Narthuwa, Ward No. 9, Police Station -
Alamnagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks after complete start of the physical Court.

The petitioners seek bail in a case registered for the
offences punishable under Sections 302 and 201/34 of the Indian
Penal Code.

Learned counsel for the petitioners submits that the
petitioners are in custody since 06.03.2021, are persons with clean
antecedent and charge-sheet has been submitted in this case.

The informant alleges that he received information on
28.02.2021, at 12:00 p.m., that a dead body was lying in a maize
field, accordingly, the police was informed and the dead body of a



person, aged about 50 years, was found in the field of Arun Yadav. Further, it is alleged that the cause of death was strangulation.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case based on suspicion and confessional statement of co-accused. It is further submitted that the deceased was own cousin brother-in-law of petitioner no. 1, 2 and 3. Further, during the course of investigation, Ashok Mallik (petitioner no. 1) was arrested and he in his confessional statement disclosed that the deceased was having illicit relationship with his wife Vina Devi. Further, the petitioner no. 1 and his son came to know about the said relationship and, thus, they requested the deceased not to come to their house but the deceased in their absence used to come and visit Vina Devi. Accordingly, the petitioners under a pre-planned conspiracy committed murder of the deceased by strangulating him. Learned counsel for the petitioners submits that the confessional statement in police custody has no evidentiary value, though in their confession the accused have stated that they killed the deceased by strangulation on account of said illicit relationship, but the postmortem report completely negates the allegation as alleged in the FIR and also the statement made by the accused in their confessional statement as the postmortem report records that the death was due to cardiac respiratory failure and



further it also records that no mark of violence was found on the body of the deceased.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners but after perusal of the case diary is not in a position to rebut the submissions of the learned counsel for the petitioners with regard to the postmortem report as submitted by the learned counsel for the petitioners as aforesaid.

Considering the fact that the petitioners are in custody since 06.03.2021, are persons with clean antecedent and charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Alamnagar P.S. Case No. 38 of 2021.

(Satyavrat Verma, J)

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