

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6505 of 2023

Arising Out of PS. Case No.-38 Year-2021 Thana- HATHAURI District- Muzaffarpur

Rahul Mallik, Son of Ramchandra Mallik R/o village- Simari, P.S.- Hathauri,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Hathauri P.S. Case No.38 of 2021 registered for the offence
punishable under Sections 302 and 201 read with 34 of the
Indian Penal Code.

The accused/petitioner named in the FIR and is in
custody since 08.07.2022.

The allegation against the petitioner is to commit
murder of father of the informant along with other co-accused
persons, where cause of occurrence appears unexplained as per
first information report.

It is submitted by the learned counsel that
informant is not the eye-witness of the occurrence and only on
the basis of suspicion as petitioner along with other accused



persons put down the dead body of father of the informant in front of his house, he along with other co-accused persons implicated with present case. It is submitted that save and except suspicion, nothing surfaced against this petitioner during the course of investigation, which may connect him with present occurrence of murder. It is submitted that similarly situated co-accused persons, namely, Raju Mallik and Vijay Mallik have already been granted bail vide order dated 24.08.2022 passed in Cr. Misc. No.19940 of 2022. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case is completed for which charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence.

Learned APP for the State while opposing the prayer for bail fairly conceded that informant is not the eye-witness of the occurrence

In view of the above-mentioned facts and circumstances, as informant is not the eye-witness of the occurrence where implication appears out of suspicion on its face, where petitioner is in custody since 08.07.2022, the above-named petitioner is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned
Judicial Magistrate-1st Class, Muzaffarpur in connection with
Hathauri P.S. Case No.38 of 2021, subject to the conditions as
laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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