

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20034 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- GURUA District- Gaya

BALESHWAR MALLAH Son of Late Chandradeo Mallah Resident of
Mohalla - Useva, P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Gurua P.S. Case no. 211 of 2022 registered under sections 302, 341, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that the petitioner exhorted other accused persons on which it is stated that four accused persons including the petitioner herein caught hold of the husband of the informant while Rajesh Mallah gave a blow with an iron rod leading to the informant's husband falling down unconscious. The injured died in course of treatment.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even as per



the FIR, he is not said to be the assailant of the deceased and the sole allegation of having given a blow with the iron rod is on Rajesh Mallah. The petitioner is in custody since 23.9.2022 and has no criminal antecedent.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR wherein as per the informant the blow with the iron rod on her husband was given by Rajesh Mallah and not by the petitioner herein, the petitioner having remained in custody since 23.9.2022 and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Gurua P.S. Case no. 211 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Sherghati, District Gaya.

(Partha Sarthy, J)

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