

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30184 of 2023

Arising Out of PS. Case No.-625 Year-2022 Thana- DUMRA District- Sitamarhi

-
-
1. Umesh Mallik Son Of Ashish Mallik Resident Of Village- Methaura, P.S. Dumra, District- Sitamarhi
 2. Rakesh Mallik Son Of Ashish Mallik Resident Of Village- Methaura, P.S. Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354, 379, 504 and 506/34 of the Indian Penal Code pending in the learned court below.

3. Allegation against the petitioners is that they along with other co-accused person is said to have assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that no such occurrence had been taken as alleged in the FIR rather the informant lodged the



present case against the petitioners and their entire family members only with a view to avoid to refund the loan taken by him from the father of the petitioners. He submits that the place of occurrence is of Dhanushi Bazar which is far flung from the resident of informant, therefore, the arrival of the brother and mother of the informant to rescue the informant at the place of the occurrence creates a serious doubt about the prosecution case. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation levelled as the petitioners are serious in nature. Hence, he does not deserve anticipatory bail.

6. By the order dated 14.07.2023, case diary and final injury report were called for. The injuries were found grievous in nature.

7. Considering the facts and circumstances of the case and the fact that injuries found upon the victim are grievous in nature, I am not inclined to enlarge the petitioners on bail in connection with Dumra P.S. Case No. 625/2022. Accordingly, their prayer for anticipatory bail is hereby rejected.

8. However, if the petitioners surrender before the



learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering this fact that petitioners have got no criminal antecedent.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

