

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37504 of 2023

Arising Out of PS. Case No.-116 Year-2021 Thana- HARLAKHI District- Madhubani

1. SITESH MALLIK Son of Late Parmeshwar Mallik Resident of village - Umgaon, P.S. - Harlakhi, Distt. - Madhubani
2. Arun Mallik Son of Late Devan Mallik Resident of village - Umgaon, P.S. - Harlakhi, Distt. - Madhubani
3. Mithilesh Mallik Son of Late Parmeshwar Mallik Resident of village - Umgaon, P.S. - Harlakhi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-07-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Harlakhi PS case no. 116 of 2021, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code.
3. The allegation is regarding the accused persons having arrived at the house of the informant at about 11 pm on 30.04.2020, whereafter they had cut the power supply of the house of the informant and then the co-accused persons namely Mahindra Mallik and Raja Mallik had assaulted the son of the



informant by *dabia* and *khanti* on his head and legs, resulting in him being injured.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that there is a delay of about a year in filing the F.I.R., inasmuch as the occurrence had taken place on 30.04.2020 whereas the F.I.R. has been lodged only on 02.05.2021. It is also submitted that as far as the petitioners are concerned, they are not alleged to have engaged in any sort of specific overt act and the allegation of assaulting the son of the informant is upon the co-accused persons namely Mahindra Mallik and Raja Mallik.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners have not been alleged to have engaged in any sort of specific overt act apart from the fact that there is delay of about a year in filing the F.I.R., I deem it fit and appropriate to admit the



petitioners to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Madhubani in connection with Harlakhi PS case no. 116 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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