

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47313 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- ALOULI District- Khagaria

RAJ KAMAL MALLIK Son of Gayadhar Mallik @ Gajadhar Mallik @
Chakradhar Mallik Resident of village-Alouli, P.S.-Alouli, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Alouli
P.S. Case No. 112 of 2022 registered for the offence under
Sections 341, 323, 504, 506, 307, 302, 324/34 of the Indian
Penal Code and under Sections 3/4 of the Witch Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 15.02.2023.

4. The allegation against the petitioner is to commit
murder of mother of informant alongwith other named co-
accused persons by means inflicting knife injuries, where
occurrence arises out of local disputes and differences.

5. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner falsely implicated with



present case being neighbour and even as per F.I.R., no overt act appears to be attributed against petitioner. It is submitted that specific allegation as to cause fatal knife injury is available against co-accused, namely, Gajadhar as per the version of informant, who is claiming to be an eye witness of the occurrence. It is submitted that similarly situated co-accused, namely, Pitntu Mallik has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 42242 of 2022 vide order dated 25.01.2023. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as no overt act attributed against this petitioner towards commission of this offence, where specific allegation as to cause fatal knife injury is available against co-accused Gajadhar coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.02.2023, accordingly, above named petitioner



is directed to be released on bail in connection with Alouli P.S.
Case No. 112 of 2022 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand only) with two sureties of the like
amount each to the satisfaction of learned Court of Chief
Judicial Magistrate, Khagaria/concerned court, subject to the
conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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