

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60474 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- KHAJAULI District- Madhubani

1. PALTU MALIK SON OF LATE GARBHU MALIK RESIDENT OF VILLAGE - MANIYARWA, BELA KOTHI, P.S. - KHAJAULI, DISTRICT - MADHUBANI
2. ARVIND MALIK SON OF PALTU MALIK RESIDENT OF VILLAGE - MANIYARWA, BELA KOTHI, P.S. - KHAJAULI, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Sections 302 and 34 of the Indian Penal Code.

3. The allegation against the petitioners along with others is of killing the son of the informant.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to dirty village politics. They have committed no offence. Petitioners are the father-in-law and brother-in-law of the deceased. There is no cogent material and no eye-witness have



come against the petitioners to show their complicity in the alleged occurrence. He further submitted that the present case has not been instituted by Sarita Devi, who is wife of the deceased and who along with her two daughters are directly affected by his untimely death but this case has been instituted by her father Binod Mallick without consulting her and knowing the truth due to ulterior motive and further in the *Fardbeyan* he has nowhere stated that his daughter or her in-laws were present when he reached at the spot or when the dead body was being taken away by him to his village or whether she had accompanied with him, which clearly shows that the case instituted against the petitioners is false and concocted. There is no specific overt act against these petitioners. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are *suo motu* surrendered on 09.09.2022 and since then languishing in judicial custody.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned A.D.J.-X, Madhubani in connection with Khajauli P.S. Case No. 164 of 2022.

(Sunil Kumar Panwar, J)

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