

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70553 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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1. SUBAN MALLIK @ SUMAN MALLIK Son of Late Kalyug Mallik
Resident of Village- Mozzafarganj, P.S.- Haweli Kharagpur, District-
Munger
 2. AJAY MALLIK @ AJAY DOM Son of Late Srimallik Resident of Village-
Madhodih, P.S.- Harpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
10.03.2022 (Petitioner no.1) & 21.04.2022 (Petitioner no.2), in
connection with Rail P.S. Bhagalpur P.S. Case No.149/2021 dated
20.11.2021 registered for the offences punishable under Sections
302, 201 and 34 of the I.P.C.

According to prosecution case, the son of the informant
namely Chandan Kumar went to meet her cousin sister namely
Punam Devi to Gangapur. It is alleged that on 20.11.2021 at about
1.00 hours in the night it was informed by Punam Devi on phone
that the son of the informant went out from the house to urinate



but he did not return. Thereafter on search, the dead body of the son of the informant was found on the railway track near Sultanganj Railway Station.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that on the presumption that the deceased was in love affair with one Rabina devi, who is a daughter of the petitioner no.2 and so the deceased might have been killed. He further submits that there is no eyewitness of the alleged occurrence and it appears from the dead body of the deceased that he met with a railway accident and except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 is in custody since 10.03.2022 and the petitioner no.2 is in custody since 21.04.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail



bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Bhagalpur in connection with Rail P.S. Bhagalpur Case No.149/2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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