

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16065 of 2024

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

Mahendra Mallik Son of Late Soukhi Mallik Resident of Village- Umgaon,
P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2024 1. Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for grant of anticipatory
bail in connection with G.R. No.271 of 2021 arising out of
Harlakhi P.S. Case No.116 of 2021, registered for offences
under Sections 341, 323, 325, 307 and 34 of the IPC.

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 petitioner, namely,
Mahindra Mallik and one 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 petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that there is a delay of about one year in filing of FIR inasmuch as the occurrence had taken place on 30.04.2020, whereas the FIR had lodged only on 02.05.2021. It is also submitted that there is no injury report on record so as to connect the petitioner with the alleged overt act.

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 including the fact that there is a huge delay of about one year in lodging of the FIR in question, apart from the fact that the learned trial Court, in the impugned order dated 22.10.2023, has categorically recorded that injury report could be obtained, which shows that probably there is no injury report on record and a superficial sort of allegation has been levelled against the petitioner and other co-accused persons, as also considering the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the



privilege of anticipatory bail, however, subject to the condition that the petitioner shall be obliged to appear before the learned trial Court on each and every date, so fixed by the learned trial Court, in the connected case and in case of two consecutive defaults, the present privilege of anticipatory bail being extended to him shall stand cancelled automatically and the petitioner shall be liable to be taken into custody, forthwith.

7. Accordingly, the above named petitioner, in the event of his arrest or surrender before the court below, within a period of six weeks from today, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of J.M. 1st Class, Madhubani in connection with Harlakhi P.S. Case No.116 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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