

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26376 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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Vikash Mallik @ Vikash Kumar Mallik Son of Kallar Mallik Resident of
Village- Bata Chauk, Ward No. 17, P.S.- Madhubani Town, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Jha
For the Opposite Party/s :	Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-05-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 342,
323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant. It is further
submitted that the informant alleges that on 13.09.2023 while he
was at his shop when he received an information that his brother
was being assaulted by miscreants, accordingly, he reached the
place of occurrence when petitioner along with other named
accused persons and 5-7 unknown accused were present from



before and they started assaulting the informant when he was trying to take back his brother home. It is further alleged that petitioner assaulted the informant on head by an iron *katta* causing injury and thereafter other accused persons also assaulted the informant by iron rod as detailed in the FIR and Lalan Mallik took Rs. 10,000/- from pocket of the informant.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that though in the FIR, it is alleged that petitioner assaulted the informant by iron *katta* causing injury on his head but then from perusal of the injury report, it would manifest that the injury suffered by the informant on head measures .8 cm x.01 cm, as such, it does not appear probable that if petitioner would have assaulted by iron *katta* on his head with such proximity, the wound would have been so small as recorded in the injury report. It is also submitted that informant further alleges that other accused also assaulted him by iron rod, but then injury suffered by the injured is only one, which further casts an aspersion on the case of the prosecution.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madhubani Town P.S. Case No. 323 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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