

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47044 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- SISWAN District- Siwan

1. RAMASHANKAR MALLAH @ RAMESHWAR MALLAH SON OF MOTILAL MALLAH R/O VILLAGE- PIPRA, PS- SISWAN (CHAINPUR OP), DIST- SIWAN
2. VIJAY SHANKAR MALLAH SON OF MOTILAL MALLAH R/O VILLAGE- PIPRA, PS- SISWAN (CHAINPUR OP), DIST- SIWAN
3. MUNNA KUMAR @ MUNNA KUMAR MALLAH SON OF DHANANJAY MALLAH R/O VILLAGE- PIPRA, PS- SISWAN (CHAINPUR OP), DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354, 379, 307, 504 and 506/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. The informant alleges that he had purchased 1 katha 5 dhur of land in the name of his mother for constructing a house and a wall was standing in the south direction of the land. On 03.01.2024 a foundation was digging in the north side



thereafter the informant and his son went to the market when the petitioners along with 4-5 unknown accused came and started abusing the wife of the informant and asked her to fill the foundation which was dug for constructing the wall and when the same was objected Vijay Shankar Mallah (petitioner no. 2) is alleged to have assaulted the wife of the informant and Premsheela Kunwar on their head by knife thereafter Ramashankar Mallah (petitioner no. 1) and Munna Kumar Mallah (petitioner no. 3) assaulted his wife by lathi and petitioner no. 3 snatched golden jiwetia from Premshila Kunwar and petitioner no. 1 disrobed her, accordingly, the informant on hearing the alarm came on his land thereafter he and his son were also assaulted by petitioner no. 2 by knife causing injury and petitioner no. 1 took away the mobile of the son of the informant.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case by the informant. It is further submitted that all the injuries suffered by the injured are simple in nature. It is next submitted that petitioner no. 2 is alleged to have assaulted Meera Devi, Premshila Kunwar, informant and Kunal Kumar with knife causing injury on their head. It is also submitted that petitioner



no. 2 is alleged to have assaulted four persons by knife. It is further submitted that petitioner no. 2 is a government teacher and the petitioners are having dispute relating to land with the informant.

6. Learned counsel for the petitioners draws the attention of the Court to Annexure-2 to the anticipatory bail application which is an FIR instituted by petitioner no. 1 against the informant of the present case and his side being Siswan P.S. Case No. 05 of 2024, dated 08.01.2024 wherein he has specifically alleged that a dispute with regard to land had arisen and the informant's side had threatened to implicate his brother Vijayshankar Mallah (petitioner no. 2) who is a government teacher. Learned counsel further submits that petitioner no. 2 is a law abiding citizen and he is aware of the consequences which would entail in the event he gets implicated in a criminal case. It is next submitted that only to coerce the petitioners into submission Vijay Shankar Mallah (petitioner no. 2) has been implicated as he is a government servant. It is also submitted, at the cost of repetition, that injuries suffered by the injured is simple in nature and it does not appear probable that petitioner no. 2 would have assaulted four persons by knife. It is further submitted that petitioners will not abscond rather will cooperate



in the trial.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Siswan P.S. Case No. 04 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

