

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55108 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- SAKATPUR District- Darbhanga

1. Vinod Mallik @ Binod Mallik, Gender- Male, aged about 53 years, s/o Late Bhola Mallik,
2. Mahesh Mallik, Gender- Male, aged about 31 years, son of Vinod Mallik @ Binod Mallik,
Both R/o Village- Kanakpur, Ward No. 08, P.S. - Sakatpur, Lohna road,
Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi, W/o Sanjay Mallik, R/o village- Ujan, Gangoli, Kanakpur, P.S. - Sakatpur, Distt. - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Sakatpur PS Case No.13 of 2024 dated 17.02.2024, instituted under Sections 341, 342, 143, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 03-04-2024 at 4:30 P.M., Sanjay Mallik husband of the informant went to the house of accused Binod Mallik to demand his debt amount of Rs.20,000/- upon which Binod Mallik told the husband of the informant to go to his house and he is coming there to return his amount. It is further alleged that after half an



hour all the accused persons armed with rod, *Dabiya*, *lathi* came and entered into the house of the informant and accused Binod Mallik ordered to kill Sanjay Mallik and he gave iron rod blow repeatedly on his person. Accused Mahesh Mallik gave rod blows upon Umesh Mallik causing fracture injury on his right hand and head. When Savitri Devi, *gotani* of the informant came to save them then Tunna Mallik gave *Dabiya* blow to her and accused Pawan Mallik gave *lathi* blow to Savitri Devi causing fracture injury on her hand. Accused- petitioner Nandu Mallik pushed the informant on the ground and climbed on her belly and other accused persons assaulted the informant with *lathi*, *danda*. The accused persons also committed theft in the house of the informant. All the injured got their treatment in D.M.C.H., Darbhanga.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Learned counsel further submits that for the same occurrence petitioner no.1, Binod Mallik, has lodged Sakatpur PS Case No. 10 of 2024 on 07.02.2024 under sections 147, 148, 149, 341, 342, 323, 324, 325, 379, 354-B, 448, 427 of the Indian Penal Code against the husband of the informant and others in which petitioners' side have received serious injuries. The



present case has been filed on 17.02.2024 i.e., after fourteen days of the occurrence and there is no plausible explanation for the delay. There is land dispute between the parties and this case has been lodged due to previous enmity. Further submission is that co-accused, Manoj Mallik, Ashok Mallik, Tuna Mallik @ Tunna Mallik and Nandu Mallik have been granted anticipatory bail today itself by this Court vide Cr. Misc. No.54905 of 2024. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Darbhanga, in Sakatpur PS Case No.13 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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

