

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54905 of 2024

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

1. Manoj Mallik, Gender- Male, aged about 44 years, son of Late Bhola Mallik,
2. Ashok Mallik, Gender- Male, aged about 25 years, son of Vinod Mallik @ Binod Mallik,
3. Tuna Mallik @ Tunna Mallik, Gender- Male, aged about 41 years, son of Late Bhola Mallik,
4. Nandu Mallik, Gender- Male, aged about 21 years, son of Tunna Mallik, All resident of village- Kanakpur, Ward no. 08, P.S. - Sakatpur, Lohna Road, Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi, Gender- Female, wife of 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. Shyameshwar Dayal, 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 there is allegation against the petitioners that they assaulted four persons, namely, Sita Devi (informant), Savitri Devi, Sanjay Mallik and Umesh Mallik, but the injury reports of Sanjay Mallik and Umesh Mallik were not available in the case diary



and this fact finds place in the impugned order. Injury reports of the informant Sita Devi and injured Savitri Devi were available in the case diary. The doctor has found abrasion over right forearm of the informant Sita Devi, whereas, bruise over right side of cheek and over forearm was found on the person of the injured Savitri Devi. Learned counsel further submits that for the same occurrence co-accused, 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 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. Injury report of Sita Devi shows that she has sustained abrasion of size 1x0.5 cm over right forearm. No bone injury was found. So far injured Savitri Devi is concerned, two bruise injuries of size 4x2 cm and 5x3 cm were found on right side of cheek and left forearm respectively. No bony injury was found on the person of Savitri Devi. There is land dispute between the parties. 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/-

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