

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61503 of 2024

Arising Out of PS. Case No.-205 Year-2023 Thana- SAMASTIPUR District- Samastipur

GAUTAM RAM @ GAUTAM KUMAR @ GAUTAM KUMAR RAM @
GAUTAM MALLIK SON OF LATE YOGENDRA RAM RESIDENT OF
VILLAGE - HASANPUR JITWARPUR, P.S. - MUFFASIL, DISTRICT -
SAMASTIPUR, BIHAR - 848134

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Piyush Kumar Pandey, Advocate
For the Opposite Party/s	:	Mrs. Sangeeta Sharma, APP
For the Informant	:	Mr. Pramod Kumar Singh, Advocate
		Mr. Amit Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-09-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Samastipur Town P.S. Case no.205 of 2023 registered for the offence punishable under sections 498A, 307, 447, 341, 323, 324, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that she was married to one Amit Mallik. At the time of marriage, various articles, gifts including ornaments, cash etc. were given. The relationship between the parties remained pleasant for about three years. However, soon thereafter, the accused persons including her husband started to torture and



assault her. The informant has a four year old child from the said wedlock. Subsequently her husband performed a second marriage and the informant was thrown out of her house. The informant further states that on going to her sasural to settle the matters, she found that the seven named accused persons including the petitioner caught hold of her inside the house and started to assault. It is further stated that the petitioner actively participated in the assault by attempting to strangle by putting a rope around her neck. The other members of the family had caught hold of her legs. The petitioner also fired upon her *nana*, however the shot missed. Pradeep Mallik took away the gold chain from her neck.

4. Learned counsel for the petitioner submits that the petitioner who happens to be an acquaintance and co-villager of the husband of the informant has been falsely implicated in the case for no good reason. He has no concern with the family affairs of the informant or her husband. The allegations levelled in the FIR are false and concocted. No offence under section 307 of the Indian Penal Code is made out. The allegations are false which would be evident from the statement in the FIR as no one would miss on firing from such a close range, as alleged.



5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR wherein it is stated that he is actively participated in the assault described in detail in the FIR, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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