

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57924 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- SAKATPUR District- Darbhanga

1. Umesh Mallik son of Sanjay Mallik Village- Gangauli Kanakpur W.No-8, Ps- Sakatpur Dist- Darbhanga
2. Sharwan Mallik son of Lakshman Mallik Village- Gangauli Kanakpur W.No-8, Ps- Sakatpur Dist- Darbhanga
3. Karan Mallik @ Karn Mallik son of Sanjay Mallik Village- Gangauli Kanakpur W.No-8, Ps- Sakatpur Dist- Darbhanga
4. Sanjay Mallik son of Gaudan Mallik Village- Gangauli Kanakpur W.No-8, Ps- Sakatpur Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-12-2024 Heard Mr. Vinay Kumar Mishra, learned counsel
for the petitioners and Mr. Sanjay Kumar Pandey, learned APP
for the State.

2. After some arguments, learned counsel for the
petitioners seeks permission to withdraw this anticipatory bail
application with respect to petitioner no.1, namely, Umesh
Mallik.

3. Permission is accorded.

4. The application is dismissed as withdrawn with
respect to petitioner no.1, namely, Umesh Mallik.



5. The petitioners (except petitioner no.1) are apprehending their arrest in connection with Sakatpur P.S. Case No. 10 of 2024, F.I.R. dated 07.02.2024 for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 379, 354(B), 448 & 427 of the Indian Penal Code.

6. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the informant and his family members.

7. Learned counsel for the petitioners(except petitioner no.1) submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners (except petitioner no.1) have not committed any offences as alleged in the FIR and due to admitted land dispute the present occurrence has taken place. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 03.02.2024 but the present FIR instituted on 07.02.2024 after a delay of four days. He further submits that there is case and counter case between the parties. He further submits that from a bare perusal of the FIR it appears that although there is specific allegation against the petitioners but injury report of the injured persons



suggests that the injury is simple in nature.

8. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances, let the petitioners (except petitioner no.1), above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on 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 connection with Sakatpur P.S. Case No. 10 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners (except petitioner no.1) shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners (except petitioner no.1) tamper



with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no.1) and in case at any stage it is found that the petitioners (except petitioner no.1) have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners(except petitioner no.1). However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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