

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65403 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

1. Sandeep Mallik @ Sanjeet Mallik Son Of Late Mahendra Mallik Resident Of Village- Shankarpur, Ps- Bhairavsthan, Distt.- Madhubani
2. Ranjit Mallik Son Of Late Mahendra Mallik Resident Of Village- Shankarpur, Ps- Bhairavsthan, Distt.- Madhubani
3. Sunita Devi Wife Of Sandeep Mallik @ Sanjeet Mallik Resident Of Village- Shankarpur, Ps- Bhairavsthan, Distt.- Madhubani
4. Rajendra Mallik Son Of Late Nandu Mallik Resident Of Village- Mahrail, Ps- Rudrapur, Distt.- Madhubani
5. Mahendra Mallik Son Of Late Nandu Mallik Resident Of Village- Mahrail, Ps- Rudrapur, Distt.- Madhubani
6. Vikash Mallik Son Of Mahendra Mallik Resident Of Village- Mahrail, Ps- Rudrapur, Distt.- Madhubani
7. Chunchun Mallik @ Chundun Mallik Son Of Yogendra Mallik Resident Of Village- Jhanjharpur, Ps- Jhanjharpur, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-11-2024 Heard Mr. Shivnandan Bharti, learned counsel for

the petitioners and Mr. Dilip Kumar No. 1, learned APP for the

State.

2. The petitioners apprehend their arrest in a case

registered for the offences punishable under Sections 341, 323,

324, 325, 354, 307, 379, 427, 504, 506, 34 of the Indian Penal

Code.



3. As per the prosecution case, the petitioners along with other co-accused persons are said to have assaulted the informant's side.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against petitioners no. 2 to 7. He further submits that both the parties are agnates and there is admitted property dispute between the parties. He fairly submits that the petitioner no. 1 is said to have assaulted the injured person and injury is found grievous in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that there is general and omnibus allegation against petitioner nos. 2 to 7, let the above named petitioner nos.2 to 7, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five 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 Bhairvshthan P.S. Case No. 33 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Considering the facts and circumstances of case and the fact that the petitioner no. 1 is the author of the grievous injury, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the petitioner no. 1 is hereby rejected.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

anand/-

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