

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66540 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- KOTWALI District- Munger

1.

Ramesh Malakar @ Ramesh Kumar Son of Anil Kumar Malakar R/o Village- Basudeopur, P.S.- Kotwali, District- Munger
2.

Rakesh Malakar @ Rakesh Kumar Son of Anil Kumar Malakar R/o Village- Basudeopur, P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Anshuman, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Kotwali P.S. Case No. 17 of 2024 instituted for the offences under Sections 341, 323, 307, 325 of the Indian Penal Code.

3. Prosecution case, in short, is that all the accused persons including the petitioners with an intention to kill the informant assaulted him with lathi, danda and iron rod as a result of which he sustained head injuries. It is further alleged that petitioner no.1 assaulted the informant on his mouth due to which his teeth got broken.



4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The only specific allegation against the petitioner no.1 is that he assaulted the informant on his mouth due to which he sustained injuries, but the injury report suggests that the said injury is simple in nature. Learned counsel further submitted that there is pending land dispute between the parties bearing Title Suit No. 71 of 2013. It has been submitted on behalf of the petitioners that the petitioner no. 1 has two criminal antecedents whereas petitioner no. 2 has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, nature of injury sustained by the informant as also the previous land dispute between the parties, let the petitioners, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the



satisfaction of Court below/concerned Court in connection with
Kotwali P.S. Case No. 17 of 2024, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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