

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71542 of 2023

Arising Out of PS. Case No.-196 Year-2021 Thana- BIRPUR District- Supaul

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1. Shankar Marik Son Of Taru Marik Resident Of Village - Haridya Nagar, Ward No.3, P.S. - Birpur, District - Supaul
 2. Deepak Kumar Marik @ Deepak Marik Son Of Chalitar Marik Resident Of Village - Haridya Nagar, Ward No.3, P.S. - Birpur, District - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Birpur P.S. Case No. 196 of 2021 dated 14.06.2021, instituted
for the offence punishable under Sections 341, 323, 324, 504,
506/34 of the Indian Penal Code and later on added Section 302
of the I.P.C.

3. The prosecution case, in short, is that all the F.I.R.
named accused persons including the petitioners armed with
varied weapons surrounded the house of the informant and
started assaulting informant's father by means of dabia, due to
which, he sustained injury. When other family members of the



informant came to his rescue, they were also assaulted by the co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is specific allegation against co-accused namely Rupak Marik, who assaulted the informant's father namely, Mangal Marik by means of dabia due to which he sustained cut injury on his right arm and fell down. Learned counsel further submitted that there is no specific allegation against petitioner no. 2, the only allegation against petitioner no. 1 is that he assaulted Reena Devi by means of lathi and fists. It is further stated that as per the injury report, the injuries are found to be simple in nature. It is further submitted that similarly situated co-accused namely Bindeshwari Marik has been granted bail *vide* order dated 05.05.2023 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 63197 of 2022. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Birpur P.S. Case No. 196 of 2021, they shall be released on anticipatory 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 Additional Chief Judicial Magistrate, Birpur, Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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