

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70823 of 2024

Arising Out of PS. Case No.-313 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

1. Sadhu Mali @ Sunil Mali @ Sunil Malik Son of Suresh Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran
2. Ravi Mali Son of Bachu Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran
3. Rekha Devi Wife of Indal Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran
4. Viki Mali Son of Jawahir Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran
5. Indal Mali Son of Jawahir Mali @ Jawahar Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran
6. Sikinder Mali Son of Yogendra Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran
7. Suraj Mali Son of Kalu Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran
8. Anita Devi Wife of Sikandar Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran
9. Jawahir Mali Son of Mangal Mali R/O Vill.- Mission Chowk, P.S.- Motihari Muffasil, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 117(2), 109, 303(2), 352, 76 of the BNSS, 2023.



3. Petitioners along with other accused persons are said to have assaulted the informant's side.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that all the injuries found upon the victim is simple in nature except one injury which is also caused by hard and blunt object. He submits that there is general and omnibus allegation against the petitioners. He submits that there is case and counter case between the parties. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner no. 6 has assaulted the informant and the injury found upon him is grievous in nature.

6. Considering the facts that there is specific overt act against the petitioner no. 6, I am not inclined to enlarge the petitioner no. 6 on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Motihari P.S. Case No. 313 of 2024.

7. So far as regarding the rest petitioners are concerned, there is no specific overt act against them, let the above named petitioner nos. 1 to 5 and 7 to 9 in the event of



their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Motihari P.S. Case No. 313 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Anjani Kumar Sharan, J)

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