

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80622 of 2024

Arising Out of PS. Case No.-314 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Anil Malik @ Anil Mali S/o Late Kapildev Malik @ Kapildeo Mali, Resident of Village- Amar Chhatauni, Mission Chowk, P.S.- Motihari Mufassil, District- East Champaran.
 2. Vishal Mali S/o Ashok Mali, Resident of Village- Amar Chhatauni, Mission Chowk, P.S.- Motihari Mufassil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Motihari Muffasil P.S. Case No. 314 of 2024 registered for the offences punishable under Sections 126(2), 191(2), 190, 118(1) 117(2) 109 and 352 of the Bhartiya Nyaya Sanhita and Section 3/4 of the Prevention of Witch Practices Act.

3. Based upon the written report, the prosecution alleges that all the FIR named accused persons came in the house of the informant and brutally assaulted the informant and his other family members. It is specifically alleged that petitioner no.1 assaulted Sadhu Mali by means of spear due to



which he sustained injury on his head whereas petitioner no.2 assaulted Ravi Kumar with iron rod over his head. There are further allegations against the co-accused persons of assaulting other persons, including the informant.

4. Learned counsel for the petitioners contended that the present FIR is nothing but a counter blast of Mufassil P.S. Case No. 313 of 2024 instituted against the informant and others at the earlier point of time on 01.07.2024. Drawing the attention of this Court to the injury report (Annexure-3), learned counsel for the petitioners contended that the injuries are simple in nature. Moreover, the petitioners bear fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the victims sustained injuries on their vital part.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the simple nature of injury, coupled with the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 314 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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