

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16503 of 2025

Arising Out of PS. Case No.-113 Year-2024 Thana- ARERAJ District- East Champaran

1. Jagdish Malik @ Jagdish Malika, Gender-Male, aged about 61 years, Son of Late Padarath Malik.
2. Anju Devi, Gender-Female, aged about 36 years, Wife of Sanjit Malik @ Sanjit Malika.
Both are resident of Village- Areraj, Ward No.10, Police Station- Areraj, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Areraj P.S. Case No. 113 of 2024 instituted for the offences punishable under Sections 126(2), 115(2), 329(3), 118(1), 109, 76, 303(2), 352, 351(3), 3(5) of the Bhartiya Nayay Sanhitya (hereinafter referred to as 'BNS').

3. As per the prosecution case, all the accused persons including the petitioners armed with *lathi*, *danda* and *farsa* came at the house of the informant and started abusing and assaulting him.

4. Learned counsel for the petitioners submits that



petitioners are innocent have committed no offence and have falsely been implicated in this case. He submits that the both the parties are co-villagers and next door neighbour and there is land dispute attributed between the parties. He further submits that there is no any specific allegation against petitioner no. 1, namely Jagdish Malik and he is only the member of the mob. Petitioner no. 2, namely Anju Devi, is a lady and the allegation against her is that she assaulted the informant by *lathi* due to which the informant got pain in her body. He lastly submits that the allegation against co-accused persons namely Ranjit Malik and Sanjit Malik that they assaulted Dhiraj Malick and Suraj Malick. Petitioners have got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, injury report, as produced by learned counsel for the petitioners and the impugned order of the learned Additional Sessions Judge-IV, East Champara at Motihari dated 25.11.2024, it appears that on the basis of the written report of the informant Madhuri Devi, FIR has been registered under Sections 126(2), 115(2), 329(3), 118(1), 109, 76, 303(2), 352, 351(3), 3(5) of the Bhartiya Nayay Sanhitya against ten accused persons including the present petitioners.



There is no any specific allegation against the petitioners nor any overt act attributed to them having no criminal antecedent as stated in para 3 of the petition and petitioner no.2 is a lady and petitioner no. 1 is only that he is a member of the mob, so considering all these aspects of the case, let these petitioners above named in the event of their arrest or surrender before the Court below within six weeks from today, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Areraj P.S. Case No. 113 of 2024, subject to the conditions laid down in Section 482(2) of the B.N.S.

(Ramesh Chand Malviya, J)

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