

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54434 of 2025

Arising Out of PS. Case No.-826 Year-2024 Thana- COMPLAINT CASE District- Araria

Lallan Mallik @ Lalan Kumar S/o Late Dilip Malik R/o Khabaspur, Ganesh Chowk, Ward no. 4, P.S - Simraha, District - Araria, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi W/o Baleshwar Malik R/o Khabaspur, Ganesh Chowk, Ward no. 4 , P.S - Simraha, District - Araria, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritik Shah Mr. Rahul Raj Mr. Madan Mohan
For the State	:	Mr. Ram Sevak Choudhary
For the Complainant	:	Mr. Kumar Uday Bhanu Roy Mr. Ankit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 225-08-2025
1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the complainant.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 323 and 34 of the Indian Penal Code and Sections 3 and 4 of the Prevention of Witch Practices Act.

3. The learned counsel for the petitioner submits that the complainant for the same occurrence instituted the instant complaint case and an FIR, as such, the petitioner has antecedent of one case as he has also been implicated in



Simraha P. S. Case No. 56 of 2024 instituted by the instant complainant. It is next submitted that from perusal of the allegation as alleged in the complaint, it would manifest that petitioner is alleged to have assaulted the mother in-law of the complainant by *Dabia* causing injury on head.

4. It is next submitted that the date of occurrence is 16.02.2024 and the complaint case came to be instituted on 16.05.2024 i.e. after a delay of three months without any plausible explanation. It is next submitted that the learned trial Court also took cognizance of offences under Section 323/ 34 of the I.P.C. read with Sections 3 and 4 of the Prevention of Witch Practices Act. It is thus submitted that delay in filing of the complaint casts an aspersion on the case of the prosecution.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the complainant opposes the anticipatory bail application but then they are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that complaint was filed after a delay of three months..

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria in connection with Complaint Case No.826 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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