

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33947 of 2025

Arising Out of PS. Case No.-1696 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Arun Mallick @ Arun Kumar Mallick S/o- Late Bhola Mallick Village- Ratwara Ps- Piar Dist- Muzaffarpur
 2. Mohit Mallick @ Mohit Kumar Mallick S/o- Sunil Mallick Village- Ratwara Ps- Piar Dist- Muzaffarpur
 3. Mantu Malil @ Maruti Nandan Mallick @ Mantu Mallick s/o- Sunil Mallick Village- Ratwara Ps- Piar Dist- Muzaffarpur
 4. Sanjay Mallick @ Sanjay Kumar Mallick S/o- Late Bhola Mallick Village- Ratwara Ps- Piar Dist- Muzaffarpur
 5. Sunil Kumar @ Sunil Kumar Mallick @ Sunil Mallick S/o- Late Bhola Mallick Village- Ratwara Ps- Piar Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aarti Devi W/o- Suresh Mallick Village- Saidpur Ps- Chak Mehshi Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv
For the Opposite Party/s : Mr. Anil Kr. Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-01-2026 Heard the parties.

2.The petitioners are named in the F.I.R. and apprehending their arrest in connection with Complaint Case No. 1696 of 2023 registered for the offences punishable under Sections 323, 504 and 354/34 of the Indian Penal Code.

3. The allegation against petitioners is to assault complainant during the course of occurrence and to abuse her. Allegation is also available regarding outraging modesty of



complainant.

4. It is submitted by learned counsel appearing on behalf of the petitioners that parties are agnates and the present occurrence took place due to previous family disputes. It is pointed out that allegation of assault and abuse is appearing very much general and omnibus along with allegation of outraging modesty. While concluding argument, it is submitted that petitioners are men of clean antecedents.

5. It is further made clear by learned counsel for the petitioner that cognizance was taken for offences punishable under Sections 323, 504 and 354/34 of the IPC only and no cognizance was taken under POCSO Act. In support of his submission learned counsel drew attention towards order dated 05.04.2024 as passed by learned Magistrate in Complaint Case No. 1696 of 2023.

6. Learned APP while opposing the prayer of bail submitted that petitioners were actively involved in the occurrence.

7. Considering the aforesaid factual submission as allegation *qua* assault, abuse and outraging modesty appears very much general and omnibus against petitioners, accordingly all five above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur/concerned Court, where the case is pending in connection with Complaint Case No. 1696 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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