

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47327 of 2017

Arising Out of PS.Case No. -4986 Year- 2016 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

- =====
1. Babloo Baitha.
 2. Ranjeet Baitha.
Both Sons of Bhukhal Baitha, Both R/o Village- Khushihal Chhapar,
P.S.- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Harinath Baitha, Son of Late Sudarshan Baitha, R/o Village- Khushihal
Chhapar, P.S.- Mirganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 06-10-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Trial No.25 of 2017, arising out of Complaint Case No.4986 of
2016, registered under Sections 341, 323, 354, 504 and 452/34 of
the Indian Penal Code.

The allegation of the complainant/opposite party no.2
Harinath Baitha is that the petitioners and two others, named in the
complaint petition, had earlier assaulted to him and his family
members regarding which he had filed a complaint in the court of



the Judicial Magistrate, First Class, Gopalganj. Thereafter, he was again being tortured regarding which he had given an application in the court of the Judicial Magistrate, First Class, Gopalganj, on 30.08.2016. On 03.09.2016 at about 05.00 P.M., when the complainant/opposite party no.2 was sitting at his door, all the accused persons including the petitioners armed with lathi and danda came there and Gautam Baitha abused and dashed him on the ground by putting his collar. Thereafter, all the accused including the petitioners entered into the house of the complainant/opposite party no.2 and dragging his daughter-in-law dashed her on the ground and caused assault to her. They also tried to outrage the modesty of the daughter-in-law of the complainant/opposite party no.2.

Learned counsel for the petitioners submits that the petitioners are the neighbours of the complainant/opposite party no.2 and have been falsely implicated in this case only to put undue pressure upon them. Co-accused Gautam Baitha has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 21.08.2017 passed in Criminal Misc. No.39124 of 2017. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest



or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-XII, Gopalganj, in connection with Trial No.25 of 2017, arising out of Complaint Case No.4986 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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