

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2882 of 2019

Arising Out of PS. Case No.-233 Year-2018 Thana- MIRGANJ District- Gopalganj

Santosh Baitha son of Late Rajendra Baitha, Resident of Village-Badarjimi,
Ward No. 16 P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-02-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Mirganj P.S. Case No. 233 of 2018 for the offences punishable
under Sections 147, 148, 149, 307, 504, 324 & 325 of the Indian
Penal Code and Section 27 of the Arms Act.

The case of the prosecution, according to the
informant, is that on 19.08.2018 at about 9 P.M. in the night, he
had gone for bringing articles for the 'Astjam Pooja' along with
Ganesh Sahni and Mithlesh Sahni when the accused persons,
namely, Santosh Baitha i.e. the petitioner herein, Guddu Baitha,
Deo Nath Manjhi, Raj Kumar Baitha, Deepu alias Deepak
Baitha and Amod Baitha stopped the informant and others near
Primary school and started assaulting them with stick and



‘Danda’ and upon hulla, one Saral Mallah had arrived there to save Ganesh Sahni, whereupon the petitioner herein fired a gun shot at Saral Mallah, which hit him in his belly. The other accused had then assaulted the prosecution party with knife etc. Thereafter, Saral Mallah is said to have been taken to the hospital for treatment.

The learned counsel for the petitioner has submitted that the present case arises out of a case and counter case and the incident is stated to have taken place on account of village rivalry. It is further submitted that the petitioner has been falsely implicated in the present case and is an accused in two other cases. The petitioner is stated to be languishing in custody since 5.9.2018.

I have heard the learned counsel for the parties and perused the case diary from which it appears that the petitioner had fired gun shot on the victim, namely, Saral Mallah as has been corroborated by the witnesses and is also corroborated from the injury report.

Having heard the learned counsel for the parties, this Court is of the view that since the offence committed by the petitioner is grave in nature and the victim, namely, Saral Mallah could have died if the gun shot injury would have



been on the vital parts, I am not inclined to grant regular bail to the petitioner, hence the prayer for grant of regular bail to the petitioner in connection with Mirganj P.S. Case No. 233 of 2018 is rejected.

(Mohit Kumar Shah, J)

Tiwary/-

U		R	
---	--	---	--

