

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55007 of 2019**

Arising Out of PS. Case No.-147 Year-2007 Thana- SINDHWARA District- Darbhanga

1. Naresh Baitha Son of Late Ramjee Baitha Resident of Village-Singhwara, Police Station-Singhwara, District-Darbhangha.
2. Birchhi Baitha Son of Late Kari Baitha Resident of Village-Singhwara, Police Station-Singhwara, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Suraj Narain Yadav

For the Opposite Party/s : Mr.Renuka Ratnakar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      20-11-2019                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are languishing in custody since 08.04.2019 in a case registered for the offences punishable under Sections 341, 323, 324, 307, 337 and 504/34 of the Indian Penal Code. Subsequently, Section 302 of the IPC was also added vide order dated 06.12.2017.

The prosecution case is that on 03..12.2007 at 7.00 A.M., the informant was coming to his house and as soon as he reached near the house of petitioner no. 1, Naresh Baitha then daughter of Naresh Baitha spitted upon the informant. On



protest being made, the petitioners and others started abusing the informant and on the order of petitioner no. 2, Birchhi Baitha, co-accused Vijay Baitha assaulted the informant with iron rod and petitioner no. 1, Naresh Baitha assaulted with knife on the head of the informant and when the aunt and cousin brother of the informant came to rescue, then co-accused Vijay Baitha assaulted them with iron rod and petitioner no. 1, Naresh Baitha assaulted with knife. Subsequently, in course of treatment, cousin brother of the informant, namely, Rama Sah died.

It is submitted by learned counsel for the petitioners that there is no accusation of assault against the petitioners. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the fact that the case was registered in 2007, the petitioners were apprehended in 2019 and the report of learned 6<sup>th</sup> Additional Sessions Judge, Darbhanga dated 21.09.2019 suggests that out of 12 witnesses, 6 witnesses have been examined, this Court is not inclined to grant bail to the petitioners in connection with Sessions Trial No. 234 of 2010, arising out of Singhwara P.S. Case No. 147 of 2007.

Accordingly, the prayer for bail of the petitioners is



rejected.

It is expected from the learned trial Court to conclude the trial within nine months. However, the petitioners will be at liberty to renew the prayer for bail, if the trial is not concluded within the said period.

**(Dinesh Kumar Singh, J)**

DKS/-

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