

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8372 of 2020

Arising Out of PS. Case No.-128 Year-2017 Thana- HATHUA District- Gopalganj

1. Indrajit Baitha Son of Late Surat Baitha @ Ramsurat Baitha Resident of Village - Mirzapur, P.S.- Hathua, District- Gopalganj
2. Mukesh Kumar Baitha @ Mukesh Baitha Son of Surat Baitha @ Ramsurat Baitha Resident of Village - Mirzapur, P.S.- Hathua, District- Gopalganj
3. Guddu Baitha Son of Chandrajit Baitha Resident of Village - Mirzapur, P.S.- Hathua, District- Gopalganj
4. Abhishek Baitha Son of Tun Tun Baitha Resident of Village - Mirzapur, P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Irshad Ahmad Khan

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned Counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in Hathua PS Case No. 128 of 2017 registered under Sections 341, 323, 324, 308, 337, 504 and 34 IPC.

Over a dispute regarding alleged construction of PCC road in the *Khatyiani* land of the informant, it is the prosecution case that the accused persons headed by Mukhiya assaulted the informant, his mother and grand-mother.

Counsel for the petitioners submits that specific allegation of assault has been attributed to co-accused Vidya Bhushan and Chandrajeet. Against the petitioners there is general and omnibus allegation. They are having no criminal antecedent and parties have also entered into compromise. The issue was basically assertion of rights in the land in question. In support of such submission reference



is drawn to Annexure 3 being the compromise petition filed in the court.

Learned APP has opposed the prayer.

Considering the rival submissions this Court is inclined to accept the submission on behalf of the petitioners. The prayer is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Udai Pratap, Judicial Magistrate, 1st Class, Gopalganj in Hathua PS Case No. 128 of 2017 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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