

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10197 of 2020

Arising Out of PS. Case No.-369 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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Gaffur Baitha @ Gaffar Baitha, aged about 53 years, Male, Son of Sukkal Baitha, Resident of Village - Khutti Hasaili Ward No. 7, P.S.- K Nagar (Sri Nagar), Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the State : Mr.Dilip Kumar No.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-09-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with K. Nagar (Sri Nagar) P.S. Case No. 369 of 2019 registered for the offences punishable under Sections 341, 323, 353, 504 of the Indian Penal Code.

The prosecution case, as alleged in the F.I.R., inter alis is stated as follows :- The informant has given written report to the officer in charge of K. Nagar Police Station and stating therein that one Om Prakash, B.D.O., Sri Nagar Block lodged a written report before S.H.O., Srinagar wherein alleged that by the order of Collector, Sunita Kumari, Additional Collector had



gone for observation of development and welfare scheme running in Khutti Hsaili Panchayat. It is further alleged that during enquiry of Aanganbari Kendra no.59 a local man Gaffar Baitha abused and misbehaved with enquiry officer and the Additional Collector informed him on telephone and he along with C.D.P.O., Srinagar reached there.

Learned counsel for the petitioner submits that the petitioner is innocent having committed no offence. He further submits that the petitioner has not arrested on spot and nothing has been recovered from the conscious possession of the petitioner. It is relevant to mention here that from perusal of the F.I.R. that time which has given in the F.I.R. on the event date 4.45 P.M. appears to be improbable. He further submits that from perusal of the F.I.R., the police named dragged in this case only on the basis of suspicion by the local village politics. He further submits that the petitioner has no criminal antecedent. He further submits that the occurrence took place on 17.09.2019 but the F.I.R. has been lodged on 19.09.2019, for which there is no explanation regarding the delay of two day.

Learned A.P.P. for the State has opposed the prayer



for bail.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Nagar (Sri Nagar) P.S. Case No. 369 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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