

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1626 of 2021

Arising Out of PS. Case No.-337 Year-2020 Thana- PARBATTa District- Khagaria

1. FIROJ BAITHA SON OF SABHANI BAITHA @ SUBHAN BAITHA @ SUBHAN BETHA RESIDENT OF VILLAGE- BUNKAR TOLA, P.S.- PARBATTa, DISTRICT-KHAGARIA.
2. RAUSHAN BAITHA SON OF SABHANI BAITHA @ SUBHAN BAITHA @ SUBHAN BETHA RESIDENT OF VILLAGE- BUNKAR TOLA, P.S.- PARBATTa, DISTRICT-KHAGARIA.
3. ALIM BAITHA SON OF GANNI BAITHA RESIDENT OF VILLAGE- BUNKAR TOLA, P.S.- PARBATTa, DISTRICT-KHAGARIA.
4. TANVEER BAITHA SON OF SOHIL BAITHA @ LATE SOHIL AHMAD RESIDENT OF VILLAGE- BUNKAR TOLA, P.S.- PARBATTa, DISTRICT-KHAGARIA.
5. ASHRAHUL BAITHA @ MD. SANVEER SON OF LATE SOHIL BAITHA @ LATE SOHIL AHMAD RESIDENT OF VILLAGE- BUNKAR TOLA, P.S.- PARBATTa, DISTRICT-KHAGARIA.
6. SHEKHAVAT BAITHA @ MD. MONAJIR SON OF ALIM BAITHA RESIDENT OF VILLAGE- BUNKAR TOLA, P.S.- PARBATTa, DISTRICT-KHAGARIA.
7. MANISH BAITHA @ MD. PRAWAJ SON OF ALIM BAITHA RESIDENT OF VILLAGE- BUNKAR TOLA, P.S.- PARBATTa, DISTRICT-KHAGARIA.
8. AJAHAR BAITHA @ MD. AJAHAR SON OF ALIM BAITHA RESIDENT OF VILLAGE- BUNKAR TOLA, P.S.- PARBATTa, DISTRICT-KHAGARIA.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellants	:	Mr. Binod Kumar, Advocate.
For the State	:	Ms. Usha Kumari No.1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 05-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the appellants remove the defect(s), as pointed out by the Stamp Reporter, within four weeks of starting of the Court



proceeding in physical mode in normal course.

At the very outset, learned counsel for the appellants, through Video Conferencing, submits that the appellant nos.3 and 6, above named, have already been arrested by the police in this case, whereas the appellant nos.1, 2, 4, 5 and 7, above named, want to surrender before the court below in this case and, as such, he does not want to press this appeal filed under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in respect of the appellant nos.1, 2, 3, 4, 5, 6 and 7, above named, for granting them the privilege of pre-arrest bail and seeks permission to withdraw this appeal in respect of the appellant nos.1, 2, 3, 4, 5, 6 and 7, above named.

Permission is accorded.

This appeal in respect of the appellant nos.1, 2, 3, 4, 5, 6 and 7, above named, is dismissed as withdrawn.

Now, this appeal for granting the privilege of pre-arrest bail to the appellant no.8, namely, Ajahar Baitha alias Md. Ajahar, is being considered, through Video Conferencing.

Heard learned counsel for the appellant no.8, above named, and the learned Special P.P. for the State.

This appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is directed against the order dated 20.01.2021 passed in special A.B.A. (SC/ST) No.49 of 2020, arising out of Parbatta P.S. Case No.337 of



2020, registered under Sections 147, 149, 341, 323, 325, 337, 338, 354, 504 and 506 of the Indian Penal Code besides Sections 3(i) (r) (s) of the SC/ST Act, whereby and whereunder the Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria, rejected the prayer of the appellant no.8, above named, for granting the privilege of pre-arrest bail in connection with the aforesaid case.

The prosecution case, in brief, is that in the morning of 04.09.2020, 10 persons, named in the F.I.R., including the appellant no.8, above named, were playing cards on the road. When the informant Pinki Devi came out of her house and went on the road, then they started saying her filthy words. When the informant made protest, then all started to abuse her and cause assault to her through lathi, danda and bricks and dragged and thrashed her on the ground. Thereafter, all started to cause assault to the informant through legs and fists. Due to causing assault by them to the informant through bricks, four teeth of the informant were broken. When Sulekha Devi, rushed to save the informant, then she was also assaulted by them through lathi and danda causing injury on her right hand. At that time, all abused her denoting her caste name.

Learned counsel for the appellant no.8, above named, submits that due to petty dispute, hot exchange of words and occurrence of “Maar-Peet” took place between the parties but with an ulterior motive, the informant has lodged the present case. Further submission is that it would appear from the impugned order that



there is no injury on the person of the informant, whereas one lacerated wound was found on the hand of Sulekha Devi, which is simple in nature. The appellant no.8, above named, has no criminal antecedent.

Having considered the facts and the circumstances of the case, the impugned order dated 20.01.2021 in respect of the appellant no.8, namely, Ajahar Baitha alias Md. Ajahar, is set aside and this appeal, in his respect is allowed.

Let the appellant no.8, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria, in connection with Parbatta P.S. Case No.337 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this appeal is disposed of.

(Rajendra Kumar Mishra, J)

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