

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22731 of 2020

Arising Out of PS. Case No.-218 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

Lal Babu Baitha, aged about 33 years, Male, Son of Angad Baitha Resident of
Village- Saraiya, P.S.- Durgawati, Distt- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 25-01-2021 Heard Mr. Rajani Kant Pandey, learned counsel for

the petitioner and Mr. Binod Kumar No.3, representing the

State.

In this case, the petitioner is seeking bail in
connection with Sessions Trial No. 303 of 2019 arising out of
Durgawati P.S. Case No. 218 of 2019 registered for offences
under sections 302/201/34/396/412/120-B of the Indian Penal
Code.

The petitioner has long criminal history of different
natures of crimes.

From the First Information Report, it appears that
the dead body was found at Karmanasha Chand Nahar Road
and, later on, it was found that he was the driver. The Khalasi
was also assaulted nearly to the point of death but, somehow he



could survive. The police arrested the petitioner but, in a wrong manner, from the premises of the civil court, which is apparently clear from Annexure-2, the order passed by learned Additional Chief Judicial Magistrate-II, Kaimur in G.R. No. 1469 of 2016.

The Superintendent of Police should have been taken care that before arresting the petitioner, he should have at least obtained or informed the Chief Judicial Magistrate that the accused person has been arrested which has not been done by him but, that will not be of any benefit to the petitioner as the Khalasi, who was also mercilessly assaulted was anyhow survived and has identified the petitioner in the Test Identification Parade.

Learned counsel for the petitioner submits that the Superintendent of Police has acted illegally as when the petitioner was brought to the court in connection with different case, without permission, he arrested the petitioner which is nothing but, highhandedness. He has further submitted that there is no direct allegation against the petitioner and there is also no eyewitness to the alleged offence.

The State has pointed out that the surgical blade has been seized on the basis of the statement of the co-accused who has also taken the name of the present petitioner to be



involved in the offence.

Looking to the entirety, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same within a period of nine months from the date of receipt of this order.

Let a copy of this order be communicated to the Director General of Police, Bihar to issue an instruction in the Police Department that when the person is brought/produced before the court, he/she, without permission of the court or in-charge, court, should not be arrested by the police.

(Shivaji Pandey, J)

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