

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39013 of 2020

Arising Out of PS. Case No.-149 Year-2020 Thana- UCHKAGAON District- Gopalganj

MINTOO KUMAR BAITHA Son of Late Nageshwar Baitha Resident of
Village- Nawada Parsauni Tola Mathiya, P.S.- Uchakagaon, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Adv.

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-05-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State, Sri Braj Kishore Prasad.

This is an application for grant of anticipatory bail in connection with Uchakagaon P.S. Case No. 149 of 2020 registered for the offence punishable under Sections 341, 323, 307, 324, 354(B), 504



and 506/34 of the Indian Penal Code.

The allegation is regarding the petitioner having entered the house of the informant in the night and is alleged to have caught hold of the daughter of the informant, however, upon alarm being raised, the informant and other family members had arrived there, whereupon the petitioner had fled away.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that firstly, there is a huge delay in lodging the FIR in question inasmuch as the date of occurrence is 08.05.2020, however, the FIR has been filed belatedly only on 14.05.2020 and secondly, the fact is that on 08.05.2020 itself, the members of the prosecution party of the present case had assaulted the father of the petitioner and other family members of the petitioner resulting in death of the father of the



petitioner and thereafter, the present false case has been filed belatedly in order to save their skin. It is further submitted that even on merits, a superficial allegation has been leveled against the petitioner and there is no allegation of any sort of untoward incident having been committed by the petitioner.

Per contra, the learned APP for the State, Sri Braj Kishore Prasad, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that a superficial allegation has been leveled against the petitioner and the petitioner has not been alleged to have committed any untoward incident, apart from the fact that he is having a clean antecedent and the FIR has been filed belatedly after a huge delay, I deem it fit and proper to enlarge the petitioner



above named, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Uchakagaon P.S. Case No. 149 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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