

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.437 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- DERNI BAZAR District- Saran

1. Umesh Baitha, aged about 44 years (Male), S/o Sital Baitha, Residence of Village- Khojauli, P.S.- Derni, District- Saran at Chapra.
2. Rahul Kumar Baitha, aged about 23 years (Male), S/o Jawahar Baitha, Residence of Village- Khojauli, P.S.- Derni, District- Saran at Chapra.
3. Ajay Baitha @ Guddu Baitha, aged about 22 years (Male), S/o Ravindra Baitha, Residence of Village- Khojauli, P.S.- Derni, District- Saran at Chapra.
4. Om Prakash Baitha, aged about 24 years (Male), S/o Jawahar Baitha, Residence of Village- Khojauli, P.S.- Derni, District- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs.Rajani Kumari, Advocate.
For the Opposite Party : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 307, 354, 379 and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 05.09.2020 around 7.00 A.M., when the informant was going to attend call



of nature, on the way, the petitioners surrounded and started assaulting him with Lathi and Danda. On his alarm, when his neighbours Ghanshyam Singh, Sikandar Singh, his son Pawan Kumar and Manju Devi came for rescue, then Umesh Baitha (petitioner no. 1) caught hold of the hair of Manju Devi and turned her down due to which she became half naked. In the meantime, Rahul Kumar (petitioner no.2) snatched gold chain from the neck of Manju Devi. Thereafter, petitioners assaulted all the above named persons. The cause of occurrence is previous enmity as petitioners had assaulted to the wife of the informant for which she had filed a case in Derni Police Station.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is case and counter case between the parties. Injury on the side of accused persons has not been explained by the prosecution. Nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out. General and omnibus allegation has been made against the petitioners.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned J.M. Ist Class, Saran, Chapra, in connection with Derni P.S. Case No. 168/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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