

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11770 of 2021

Arising Out of PS. Case No.-269 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

1. JITENDRA BAITHA Son of Late Kopindra Baitha Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
2. Sandeep Baitha Son of Jitendra Baitha Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
3. Jitendra Sah Son of Doma Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
4. Guddu Sah Son of Doma Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
5. Ganga Sah Son of Doma Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
6. Gandhi Sah Son of Bali Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
7. Ajay Sah Son of Bali Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
8. Surendra Sah Son of Late Ramayan Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
9. Pappu Sah Son of Late Ramayan Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
10. Harkesh Sah Son of Late Ramayan Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
11. Golu Sah Son of Munna Sah Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.
12. Shatrudhan Ram Son of Sohan Ram Resident of Village- Khairatiya, P.S.- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-02-2022 Heard Ms. Maria Nazir, learned Advocate for the petitioners and Mr. Yogendra Kumar Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Kuchaikote P. S. Case No. 269 of 2020, dated 15.07.2020, instituted for the offences under Sections 341, 323, 324, 307, 326, 379, 504 and 34 of the Indian Penal Code.

The petitioners are said to have attacked the members of the prosecution party. So far as the specific accusation of assault on the victim is concerned, it is attributed to one Sanjay Ram, who is not the petitioner before this Court.

The learned Advocate for the petitioners has drawn the attention of this Court to the fact that the father of petitioner nos. 6 and 7 has also lodged a case against the



informant and others and precisely for that reason, the petitioners have been made accused in the present case. So far as the petitioners are concerned, the accusation against them is general and omnibus.

Though the injuries suffered by victim / Virendra Yadav is reported to be grievous but it is not attributable to any one of the petitioners.

Several persons have been made accused in this case and the reason for such prosecution is not far to seek.

There was an attempt on the part of the informant of this case to have the case lodged by the father of petitioners no. 6 and 7 compounded, which request was not acceded to by the petitioners.

Considering the afore-noted facts and taking into account that the petitioners do not have criminal antecedents, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with



two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, VII, Gopalganj, in connection with Kuchaikote P. S. Case No. 269 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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