

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44347 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- BALTHAR District- West Champaran

Mintoo Baitha @ Ritesh Ranjan Son of Harendra Baitha Resident of village-
Aryanagar, P.s- Balthar, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the State : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Balthar
P.S. Case No. 52 of 2021 registered for the offence under
Sections 147, 148, 149, 341, 323, 302 and 504 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.05.2021.

The allegation against the petitioner is to commit
murder of brother of the informant, by causing head injury,
while making an assault with iron rod, alongwith other co-
accused persons, due to previous enmity.



Learned counsel appearing on behalf of the petitioner submitted that the occurrence was nothing but a free fight and, as such, it can be safely gathered that petitioner was not under intention to cause death and this case is maximum appears of Section 304 of the Indian Penal Code. It is also submitted that for the same set of occurrence, petitioner has also lodged a case, which has been registered as Balthar P.S. Case No. 51 of 2021. It is pointed out that the alleged injury is single, without having any intervening circumstances, which further negate the intention to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that allegation of specific fatal assault is available against this petitioner.

In view of the facts and circumstances, as mentioned above, as there is specific allegation against this petitioner to cause fatal head injury with iron rod, this Court is not inclined to grant bail to the petitioner, for the present.

Accordingly, prayer of bail of the petitioner is rejected



herewith.

However, learned Trial Court is directed to conclude the trial within a period of six (06) months from the date of receipt of a copy of this order, by taking it on board, on day to day basis, if required.

Superintendent of Police, Bettiah, West Champaran is directed to produce all the chargesheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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