

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64208 of 2021

Arising Out of PS. Case No.-496 Year-2020 Thana- DHAKA District- East Champaran

1. Arun Baitha, Son of Ramswarth Baitha, Resident of Narwara Kishunpur @ Narwara , P.S.- Tareyani , Distt.- Sheohar.
2. Chhotelal Baitha, Son of Late Tali Baitha, Resident of Narkatiya, P.S.- Dhaka, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-07-2022 This application has been listed under the heading
‘For Orders’.

Registry has pointed out several defects in the
present application.

Mr. Patanjali Rishi, learned counsel for the
petitioners submitted that the defects are mainly because only e-
filing of applications are permitted by the Court. He submitted
that defects can be removed only if filing of hard copy is
permitted. He undertook that even if the applications are heard
and disposed of on merit in due course of time when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.



In view of the above submissions made by the learned counsel for the petitioners, with consent of the parties, the application has been taken up for hearing on merit.

The petitioners seek pre-arrest bail in connection with Dhaka P.S. Case No.496 of 2020 registered for the offences punishable *inter alia* under Sections 307 and 379 of the Indian Penal Code.

According to the written report submitted by Sobhan Ram to the Officer Incharge of Dhaka Police Station that while he was going to his house to bring diesel for agricultural work, he found that the petitioners herein and Sita Devi and Nitu Devi were abusing the womenfolk of the informant's family and upon being objected, the petitioner no.2 allegedly hit the informant with *dab* from behind which hit him on his head causing head injury. Sita Devi's husband assaulted the son of the informant with *lathi* and Nitu Devi's husband caught hold of both the hands of the son of the informant. He further alleged that when he fell down, Sita Devi snatched Rs.13,000/- cash and a gold ring from him. Thereafter, the villagers arrived and saved him.

Learned counsel for the petitioners submitted that the instant case has been instituted on the basis of a



manufactured injury report. It has been instituted by the informant in order to create an alibi and opposing the version to an application submitted by the petitioner no.2 to the Dhaka Police Station for the assault by the informant upon the daughter of the petitioner no.2. He submitted that the petitioners belong to a marginalized class of the society and the police did not entertain the written report submitted by petitioner no.2. He further contended that there is no specific allegation of assault as against petitioner no.1.

On the contrary, learned counsel for the State submitted that there is specific allegation against the petitioner no.2 to have assaulted the informant with *dab* causing grievous injury to the informant.

Considering the submissions made on behalf of the parties and the materials available on record, I am not inclined to grant pre-arrest bail to the petitioner no.2 Chhotelal Baitha. His prayer for pre-arrest bail is rejected.

In case, he surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

In so far as the prayer for grant of pre-arrest bail to petitioner no.1 Arun Baitha is concerned, he is directed to be



released on bail in the event of his arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikarhana, East Champaran in connection with Dhaka P.S. Case No.496 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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