

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19231 of 2023

Arising Out of PS. Case No.-3566 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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SUGREEV BAITHA @ SUGRIV BAITHA Son of Motilal Baitha R/v-
Banaura, P.O. Usari Bazar, P.S.- Baikunthpur, District- Gopalganj
... .. Petitioner/s

Versus

1. The State of Bihar
2. ARUN KUMAR SAH Son of Ram Chandra Sah R/v- Banaura, P.O. Usari
Bazar, P.S.- Baikunthpur, District- Gopalganj
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 31-07-2023 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 324,
341, 313 and 504/34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.
4. The complainant alleges that accused persons came
and Sambhu Baitha abused, Shivbachan assaulted his mother by
an iron rod causing fracture of her wrist, Ramayan Baitha
assaulted his wife by an iron rod causing injury on head and
petitioner threatened with pistol with an intention to outrage his
wife's modesty and also assaulted.



5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from bare perusal of the allegation as alleged in the complaint petition, it would manifest that specific allegation of assaulting the wife of the complainant is against Ramayan Baitha and ornamental allegation is alleged against this petitioner that he also intended to outrage the modesty of his wife and assaulted by butt of the gun. It is next submitted that in order to falsely implicate the petitioner along with the accused persons the complainant instead of instituting an FIR so that the case could have been investigated filed a complaint case and thus the learned trial court took cognizance based on the evidence provided by the complainant. Learned counsel also submits that from perusal of the allegation as alleged in the complaint petition, it would manifest that the thrust of the allegation of assault is against Ramayan Baitha and the petitioner has been alleged with ornamental allegation but then the complainant in his statement recorded under Section 313 Cr.P.C. shifted the allegation on the petitioner which also casts an aspersion on the case of the complainant and it appears that the complainant by way of afterthought implicated the petitioner. It is further submitted that the learned court below has already granted the privilege of anticipatory bail to all the accused persons including Ramayan



Baitha.

6. Learned A.P.P. for the State and the learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the complainant submits that on account of assault made by the petitioner the wife of the complainant who was pregnant got aborted but is not able to rebut the submission of the learned counsel for the petitioner that in the complaint petition the allegation of assault is against Ramayan Baitha and he has been granted the privilege of anticipatory bail by the learned court below itself.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 3566 of 2021, Trial No. 673 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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