

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13943 of 2023

Arising Out of PS. Case No.-631 Year-2018 Thana- NARPATGANJ District- Araria

MD. HAROON BAITHA @ HAROON BAITHA Son of Islam Baitha @
Islamuddin Resident of Village- Reawahi, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alka Panday,Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Narpatganj P.S. Case No.631 of 2018 registered for the offences punishable under Sections 147, 148, 149, 325, 341, 323, 324, 307, 354B, 379 and 504 of the Indian Penal Code.

The allegation is regarding the informant, along with his elder brother, nephew and others being at his house, on the alleged date and time of occurrence, when the accused persons, numbering 14 in all, including the petitioner herein, had arrived their, variously armed and had engaged in assaulting the informant and his family members,



causing grievous injuries to them.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted, by referring to Annexure-3, annexed to the present petition, that as far as the petitioner is concerned, the Investigating Officer, upon investigation, had found the case to be untrue, hence had filed a final form qua the petitioner herein, however the learned Magistrate has differed from the same and has taken cognizance against all the accused persons including the petitioner herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact



that the police, upon investigation, is stated to have filed a final form in relation to the petitioner herein, finding the case to be untrue qua him, apart from the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-5th, Araria in connection with Narpatganj P.S. Case No.631 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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