

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23746 of 2023

Arising Out of PS. Case No.-351 Year-2022 Thana- RANIGANJ District- Araria

1. Alim Baitha @ Md Aalim Baitha Son Of Late Zahir Alam @ Zahir Baitha Resident Of Village -CHHATIYAUNA , P S- Raniganj District -ARARIA
2. Jainul Baitha @ Md. Zainul Baitha Son Of Late Zahir Alam Zahir Baitha Resident Of Village -CHHATIYAUNA , P S- Raniganj District -ARARIA
3. Md. Saddam Alam @ Md. Saddam Baitha Son Of Aalim Baitha @ Md. Aalim Baitha Resident Of Village -CHHATIYAUNA , P S- Raniganj District -ARARIA
4. Md. Ehkam Alam @ Ehkam Baitha Son Of Aalim Baitha @ Md. Aalim Baitha Resident Of Village -CHHATIYAUNA , P S- Raniganj District -ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Ms. Diksha Kumari, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s :		Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-07-2023 Learned counsel for the petitioners submits that the petitioner no. 2 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 2.

Permission is granted.

Accordingly, this application is dismissed as withdrawn with regard to petitioner no. 2.

Heard learned senior counsel for the petitioners, informant and learned Additional Public Prosecutor for the State.



The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 325, 307, 504, 506 of the Indian Penal Code and Section 302 of IPC was added later on.

Petitioners are said to have assaulted the deceased by means of fists and kicks.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that specific allegation of assault to the deceased with iron rod has been attributed on co-accused Yakub which is corroborated with the postmortem report. He submits that there is no specific overt act against the petitioners. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that the petitioners are close relative and they have no concern with co-accused. He further submits that petitioners have criminal antecedent as stated in para-3 of this application.

Learned APP for the State and learned counsel for the informant oppose the prayer for bail and submit that petitioners are also involved in the present case.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest



or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each 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 Raniganj P.S. Case No. 351 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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