

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57354 of 2023

Arising Out of PS. Case No.-122 Year-2023 Thana- HARSIDHI District- East Champaran

Raju Baitha @ Raju Kumar Son of Lakshman Baitha @ Lachhuman Baitha
Resident of Village Ujjain Lohiyar, Math Tola, P.S.-Harsidhi, District-East
Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Harsidhi P.S. Case No. 122 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 308, 379, 504/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 10.02.2023 at about 10:00 A.M. all the FIR named accused persons armed with various weapons came at the door of the informant and started abusing him. One Navan Baitha assaulted the father of the informant by means of iron rod due to which he sustained head injury. One Laxman Baitha, Raju Baitha (this petitioner) and Rajkumar Baitha also assaulted the father of the informant



by lathi. When the informant came to rescue his father, this petitioner snatched his mobile phone and also assaulted the son of the informant. They also snatched Rs. 50,000/- from the son of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no specific allegation of assault against this petitioner. The injury report as per Annexure '2' shows only one lacerated injury on the right elbow of the father of the informant.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that there is no specific allegation of assault against the petitioner, the allegation is that co-accused Laxman Baitha, this petitioner and Raju Baitha all the three assaulted the father of the informant by lathi but the injury report at Annexure- '2' shows only one lacerated injury on the right elbow of the father of the informant which is simple in nature, the petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the



petitioner above named be released on bail in connection with Harsidhi P.S. Case No. 122 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

Lekhi/-
Jyoti/-

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