

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65301 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- PIPRA District- East Champaran

1. Renu Devi Wife of Lalan Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
2. Meera Devi @ Meera Baitha Wife of Dhruv Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
3. Pratima Devi Wife of Teja Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
4. Bimla Devi Wife of Moti Lal Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
5. Om Prakash @ Om Prakash Baitha Son of Moti Lal Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
6. Moti Lal Baitha @ Moti Baitha Son of Gopal Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
7. Dhruv Baitha Son of Gopal Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
8. Moti Lal Baitha @ Suresh Baitha @ Moti Baitha Son of Gopal Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
9. Teja Baitha Son of Gopal Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.
10. Lalan Baitha Son of Gopal Baitha Resident of Village - Chintamanpur, P.S.- Pipra, District - Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

In the present case, the petitioners are apprehending
their arrest in connection with Pipra P.S. Case No. 167 of 2022,
registered on 29.05.2022, for the alleged offence under Sections



341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

As per prosecution case, petitioner no. 5 Om Prakash Bhaitha enticed away the sister of the daughter-in-law of the informant for which some altercation took place between the informant and the petitioners and the allegation is that the petitioners, who were variously armed forming an unlawful assembly, assaulted the informant and his family members.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners and informant side are next door neighbour and due to some dispute between them some altercation took place. The allegations are mostly general and omnibus. Even the injury reports show simple injury caused by hard and blunt object. There is case and counter case and there was no intention to cause death or any serious offence of any person and to make the allegation graver the case has been instituted under Section 307 I.P.C. and the petitioners having no criminal antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that the petitioner is named in the FIR.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



fact that there is case and counter case between the parties and further considering the lack of any material to infer intention to cause any death or any serious offence, let the petitioners, above named, in the event of their arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court in connection with Pipra P.S. Case No. 167 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) the petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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