

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20710 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- RAJPUR District- Buxar

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1. Deepak Baitha @ Deepak Kumar S/O Ambika Baitha Resident Of Village-Tiwari, P.S.-Rajpur, District-Buxar.
 2. Rohit Baitha @ Rohit Kumar S/O Umesh Baitha Resident Of Village-Tiwari, P.S.-Rajpur, District-Buxar.
 3. Rahul Baitha @ Rahul Kumar Son Of Umesh Baitha Resident Of Village-Tiwari, P.S.-Rajpur, District-Buxar.
 4. Banwari Baitha @ Mukesh Baitha S/O Sri Nath Baitha Resident Of Village-Tiwari, P.S.-Rajpur, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Singh, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Ms. Alka Singh, learned counsel for the

petitioners as well as Ms. Sharda Kumari, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Rajpur P.S. Case No. 451 of 2023, F.I.R. dated
30.12.2023 for the offences punishable under Sections 341, 323,
337, 504, 506, 307/34 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including these petitioners have assaulted the informant
and his nephew with an intention to kill them and also snatched



gold chain from the neck of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. She further submits that from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. She further submits that there is case and counter case between the parties.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is no specific allegation of assault or overt act attributed against these petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction



of the learned Chief Judicial Magistrate, Buxar in connection with Rajpur P.S. Case No. 451 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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