

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40846 of 2024

Arising Out of PS. Case No.-135 Year-2022 Thana- JALE District- Darbhanga

1. NAGENDRA BAITHA SON OF LATE LAKSHMI BAITHA R/O- VILLAGE- KHESAR, P.O- JOGIARA, P.S.- JALLEY, DISTRICT- DARBHANGA, BIHAR
2. SHIVCHANDRA BAITHA @ SHIVSHANKAR RAJAK SON OF LATE JOGINDRABAITHA R/O- VILLAGE- KHESAR, P.O- JOGIARA, P.S.- JALLEY, DISTRICT- DARBHANGA, BIHAR
3. BACHHARAJAK SON OF LATE JOGINDRA BAITHA R/O- VILLAGE- KHESAR, P.O- JOGIARA, P.S.- JALLEY, DISTRICT- DARBHANGA, BIHAR
4. BINOD BAITHA SON OF KHATARBAITHA R/O- VILLAGE- KHESAR, P.O- JOGIARA, P.S.- JALLEY, DISTRICT- DARBHANGA, BIHAR
5. SONU KUMAR SON OF SHIVCHNADRABAITHA R/O- VILLAGE- KHESAR, P.O- JOGIARA, P.S.- JALLEY, DISTRICT- DARBHANGA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 448, 341, 323, 427, 308, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioners holding



with lathi, danda and rod came to the premises of the company and are said to have assaulted the guard of the company with danda and rod. They also brick batted upon them and ransacked the JCV machine and Scorpio of the company.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The allegation against the petitioners are general and omnibus in nature. It is further submitted that the informant is the Project Manager of M/s Adani Agree Logistics Limited got the sale deed executed in his favour without consideration money and an agreement was prepared between the company and landlord and without making full and final payment of consideration money they started construction work. It is further submitted that the case is counter blast to Jalley P.S. Case No. 137 of 2022. The injury sustained by the victim is simple in nature. The similarly situated co-accused has been granted bail by the Co-ordinate Bench vide order dated 14.07.2023 in Cr. Misc. No. 31040 of 2023. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Darbhanga in connection with Jalley P.S. Case No. 135 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with the condition:-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

shivam/-

U		T	
---	--	---	--

