

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60144 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Pankaj Baitha @ Pankah Kumar Baitha Son of Chhathu Baitha R/V- Village- Fakuli, P.S.- Chapra Muffasil, Distt.- Saran at Chapra (Bihar)
2. Chhathu Baitha Son of Late Kathin Baitha R/V- Village- Fakuli, P.S.- Chapra Muffasil, Distt.- Saran at Chapra (Bihar)
3. Amit Baitha @ Amit Kumar Son of Chhathu Baitha R/V- Village- Fakuli, P.S.- Chapra Muffasil, Distt.- Saran at Chapra (Bihar)
4. Chandan Baitha son of Chhathu Baitha R/V- Village- Fakuli, P.S.- Chapra Muffasil, Distt.- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Rakesh Kumar, learned counsel for the
petitioners and Mrs. Shaheen Begum, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chapra Muffasil P.S. Case No. 188 of 2024, F.I.R. dated 03.04.2024 registered for the offences punishable under Sections 341, 323, 504, 354(B), 34 of the Indian Penal Code and Section 3/4 of the Dayan Act.

3. Allegation against the petitioners is that they assaulted the informant and maternal grandmother-in-law and accused Pankaj Baitha pressed her neck and torn her clothes due to which the informant became naked.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the present occurrence had taken place due to admitted land dispute between the parties and the informant is daughter-in-law of petitioner no. 2 and the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the present F.I.R. was instituted only to pressurize the petitioners to settle the dispute with the informant and petitioner nos. 1, 3 and 4 are brother-in-law of the informant.

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

6. Considering the facts and circumstances of the case and the nature of allegation as alleged in the F.I.R. as well as petitioners having clean antecedents, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 188 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with



other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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