

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66378 of 2023

Arising Out of PS. Case No.-130 Year-2022 Thana- SINDHIYA District- Samastipur

1. Munna Baitha @ Munna Safi S/O Yogendra Safi @ Yogendra Baitha @ Nuja Safi R/O Village- Singhiya, P.S- Singhiya, Distt.- Samastipur.
2. Sumit Baitha S/O Munna Safi @ Munna Baitha R/O Village- Singhiya, P.S- Singhiya, Distt.- Samastipur.
3. Rohit Baitha S/O Munna Safi @ Munna Baitha R/O Village- Singhiya, P.S- Singhiya, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Singhiya P.S. Case No. 130 of 2022, registered on 16.06.2022 for the offences under Sections 341, 323, 324, 292, 379 of the Indian Penal Code.

3. As per prosecution case, co-accused Amit Baitha used to send obscene messages to the wife of the informant, who called him for panchayati but he did not appear



in the panchayati. Later on, the petitioners, who are father and brothers of the co-accused surrounded the informant and assaulted him with Farsa, sword and also tried to strangulate him with Gamchha.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel further submits that the present case is counter blast of the case lodged by co-accused Amit Baitha being Singhia P.S. Case No. 142 of 2022 for the offences under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act against the informant of this case and others. The FIR was lodged on the fardbeyan of co-accused Amit Baitha in DMCH. Learned counsel further submits that there is no corresponding injury on the person of informant from the weapons said to be used. Moreover, the injuries are superficial and non-serious and are all stated to be simple in nature. Co-accused Amit Kumar Baitha has been granted anticipatory bail by a Co-ordinate Bench vide order dated 27.07.2023 passed in Cr. Misc. No. 34221 of 2023. The petitioners have been made accused in this case as co-accused Amit Baitha participated in Panchayat election and was elected as Ward Member which was



not to the liking of the informant and others. The petitioners have got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious simple nature of injury and further considering the case and counter case and possibility of false implication, 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.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Rosera, Samastipur/concerned court in connection with Singhiya P.S. Case No. 130 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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