

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78013 of 2024

Arising Out of PS. Case No.-242 Year-2022 Thana- PALANWA District- East Champaran

1. ADITYA BAITHA @ BULLET BAITHA S/o Virendra Baitha R/o vill - Belaspur, P.S.- Palnwa, Distt.- East Champaran
2. Amika Baitha @ Amiraka Baitha @ Ambika Baitha S/o Late Julum Baitha R/o vill - Lachhnauta, P.S. - Palanwa, Distt.- East Champaran
3. Ranjay Baitha S/o Amika Baitha R/o vill - Lachhnauta, P.S. - Palanwa, Distt.- East Champaran
4. Alok Baitha @ Oulk Baitha S/o Amika Baitha R/o vill - Lachhnauta, P.S. - Palanwa, Distt.- East Champaran
5. Soni Devi @ Soni Kumari W/o Dilip Baitha @ Dileep Baitha R/o vill - Lachhnauta, P.S. - Palanwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-11-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Palanwa Police Station Case No. 242 of 2022, dated 11.11.2022, disclosing offences under Sections 341/323/379/354B/308/504/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 10.11.2022, in the afternoon, while the informant was sitting at his door, the petitioners, along



with other accused persons, came at his door on motorcycle and drove it on the leg of the informant due to which he sustained injury. Thereafter, accused persons came armed with lathi, danda, iron rod and bamboo and surrounded the informant. Petitioner no. 1 gave iron-rod blow on the head of the informant and when the father and mother of the informant intervened, petitioner no. 2 caught hold of informant's mother by hair and pulled her on the ground. Petitioner nos. 3 and 4 tore the saree and blouse of the informant's mother and petitioner no. 5 snatched golden chain (mangalsutra) from her neck. When informant's younger brother came at rescue, petitioner no. 2 assaulted him also.

4. Learned counsel for the petitioners submits that both the parties reside closely and are co-villagers. The petitioners have falsely been implicated in the present case due to previous dispute. He next submits that the petitioners were given the advantage of Section 41 (A) by the police during course of investigation and the petitioners co-operated in the investigation. After investigation, the police submitted charge-sheet under Sections 341,323,504 and 34 of the Indian Penal Code, however,



learned Magistrate differed with the charge-sheet and has taken cognizance under Section 307 also, accordingly, the petitioners are having apprehension that they may be taken into custody at the time of surrender.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioners were given advantage of Section 41 (A) by the police and they co-operated in the investigation and after investigation, the police submitted charge-sheet under bailable sections, but learned Magistrate differed with the police report and has taken cognizance under Section 307 also, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Judicial Magistrate 1st Class, Raxaul at Motihari, East Champaran, in connection with Palanwa Police Station Case No. 242 of 2022, subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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