

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35595 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- BATHNAHA District- Sitamarhi

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Maulvi Baitha S/O Ali Baitha R/O Village- Digghi, Ward No.7, P.S.-
Bathnaha, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 17-01-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bathnaha P.S. Case No. 209 of 2023 for the offence under Sections 341, 323, 307, 302 and 34 of the Indian Penal Code, lodged on 21.05.2023 by the informant, Nagendra Gain.

3. As per the prosecution story, the informant alleged that upon information that his son is being beaten by the accused persons, rushed to the place and found that his son alongwith the son of Bhuneshwar Gain were being drowned in the ditch and assaulted. They were taken to the Sadar Hospital, Sitamarhi where son of the informant was declared dead while son of Bhuneshwar Gain was taken to the clinic of Dr. Varun for



better treatment. Accordingly the FIR.

4. Learned counsel for the petitioner submits that omnibus allegation is against the accused persons, the petitioner is an aged person and if granted relief shall be diligently appearing in trial.

5. In support of his claim that the petitioner is an aged person, a supplementary affidavit bringing on record the Aadhar Card has been brought. He also submits that one co-accused Khaitun Khatoon was extended the relief in Cr. Misc. No. 28768 of 2024.

6. Learned APP Mr. Jitendra Kumar Singh on the other hand opposes the prayer submitting that the Khaitun Khatoon was granted relief on the sole ground that she is a lady, in this case though the occurrence is of the year 2023. Surprisingly, the Aadhar Card shows that it has been prepared on 02.02.2024. He is named in the F.I.R. also.

7. Considering the submissions put forward by the parties as also that he is not only named in the F.I.R. of the year 2023, chose to file the anticipatory bail a year later and given Aadhar Card shows that it has been prepared on 02.02.2024, in that background, the relief extended to the above said co-accused is not applicable to this petitioner.



8. Accordingly, the anticipatory bail application stands rejected.

9. However, if the petitioner surrenders within a period of four weeks from today and present the necessary document to show his bonafide, the court concerned shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

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