

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34397 of 2025

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

1. Vikash Baitha S/o Virendra Baitha R/o Vill.- Belaspur, P.S.- Palnwa, Distt.- East Champaran
2. Dilip Baitha S/o Virendra Baitha R/o Vill.- Belaspur, P.S.- Palnwa, Distt.- East Champaran
3. Munni Devi @ Moni Devi W/o Aaditya Baitha R/o Vill.- Lachhnauta, P.S.- Palnwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Trial No. 1993 of 2024 arising out of Palanwa P.S. Case No. 242 of 2022 registered for the offences punishable under Sections 341, 323, 379, 354(B), 308, 504, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner nos. 1 and 2 alongwith co-accused Aditya Baitha came on one motorcycle which was being driven by the co-accused Aditya Baitha. It is alleged that the said motorcycle ran over the informant's leg as



result of which informant sustained leg injury. It is alleged that co-accused Aditya Baitha assaulted the informant upon his head by means of iron rod as a result of which informant sustained head injury. It is further alleged that petitioner no. 2 and co-accused Ambika Baitha started assaulting informant's mother by holding her hair and dashed her on the earth. It is alleged that petitioner no. 3 snatched *mangalsutra* worth Rs. 50,000/- from the neck of informant's mother.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. He further submits that police has given the benefit of Section 41(1) of Cr.P.C. to the petitioners. He further submits that the allegation of inflicting iron rod blow upon the head of informant is attributed against the co-accused Aditya Baitha rather the allegation attributed against petitioner no. 1 is general and omnibus in nature. He further submits that though allegation attributed against petitioner no. 2 is to hold the hair of informant's mother and dashed her on the ground but there is nothing on record which corroborates with the story of prosecution during the course of investigation. He further submits that the allegation attributed against petitioner no. 3 is



nothing but ornamental in nature. He further submits that charge sheet has been submitted against the petitioners under Sections 341, 323, 504 and 34 of I.P.C. except under Section 307 of I.P.C. but the learned trial court has taken cognizance under Section 341, 323, 324, 307, 504, 34 of the I.P.C. He further submits that no specific allegation of assault is attributed against any of the petitioners so as to attract Section 307 of I.P.C. and, hence, no offence is made out against the petitioners under said section. He further submits that co-accused Aditya Baitha @ Bullet Baita and Ors. have already been granted anticipatory bail by the Co-ordinate bench of this Court vide Cr. Misc. No. 78013 of 2024 and the case of present petitioners stands on better footing. Hence, petitioners deserve anticipatory bail. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners by submitting that there is allegation against petitioners as mentioned in the FIR and they cannot escape from the liability of the alleged occurrence. Hence, they do not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, co-accused have already been granted anticipatory bail by the Co-



ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 Judicial Magistrate, Ist Class, Raxaul at Motihari, East Champaran in connection with Palanwa P.S. Case No. 242 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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