

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27003 of 2015

Arising Out of PS.Case No. -75 Year- 2013 Thana -SARAIYA District- MUZAFFARPUR

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1. Ram Pravesh Baitha @ Satish Jee @ Satish @ Rajesh Jee Son of Late
Yadunandan Baitha resident of village - Kauriya, Police Station -
Madhuban, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 01-12-2015 Supplementary affidavit has been filed mentioning

therein that the petitioner has been made accused in three more

other cases besides the cases mentioned in paragraph-3 of the

application. Keep it on the record.

Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 341, 427 and 435/34 of the I.P.C and
section 17 of the Criminal Law Amendment Act.

Allegedly, the informant being driver was driving the
truck bearing registration No. BR 31 D-2002 loaded with 180 bags
of cement and as soon as reached near Rewa pool in the way of

Hajipur-Marhorha some miscreants intercepted the truck and sprinkled petrol and put the truck on fire and fled away.

Submission is of false implication and that the petitioner is not named in the F.I.R and after eleven months his name has been dragged in this case in the statement of the witnesses vide paragraphs- 38, 39 and 40 of the case diary. The petitioner has been made victim of police atrocity resulting he is suffering in custody since 15.03.2014 for no fault on his own. Nothing incriminating has been recovered from possession of the petitioner and he has not been put on test identification parade.

The learned A.P.P. submits that the petitioner was seen near the place of occurrence by the witnesses, namely, Shatrughan Sahani, Bhaddi Sah and Sitaram Barai vide paragraphs- 38 to 40 of the case diary, but it is true that the statement of those witnesses have been recorded after eleven months of the occurrence.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 4th Additional Sessions

Judge, Muzaffarpur in S.Tr. No. 569 of 2014 arising out of Saraiya P.S. Case No. 75 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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