

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 32008 of 2016**

Arising Out of PS.Case No. -241 Year- 2013 Thana -PARIHAR District- SITAMARHI

Binay Baitha @ Vinay Baitha, Son of Kishun Baitha, resident of Village - Mahuawa, P.S. Parihar, District- Sitamarhi.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Virendra Kumar, Advocate

For the Opposite Party : Mr. Sri Chandra Bhushan Prasad(APP)

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

2 10-08-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected vide order dated 30.03.2016 passed in Cr. Misc. No. 4511 of 2016, which was later on corrected by order dated 07.04.2016, on the ground that the petitioner is in custody since 24.01.2014 and co-accused Jang Bahadur Rai, Fekan Baitha and Ramnath Baitha have already been allowed bail by another co-ordinate Bench of this court. There is no chance of tempering with the prosecution evidence and as such, the petitioner also deserves sympathetic consideration.

Learned APP fairly submits that co-accused Jang Bahadur Rai has been allowed bail vide Cr. Misc. 19342 of 2015

and Fekan Baitha and anothers have been allowed bail vide Cr. Mis. No. 12440 of 2016.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Sitamarhi, in connection with Parihar P.S. Case No. 241 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 reasons shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

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