

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42290 of 2015**

Arising Out of PS.Case No. -2051 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-  
SITAMARHI

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Keshri Nandan Thakur @ Keshari Thakur, son of Late Chandeshwar Thakur, resident of village- Fulparasi, P.S. Sahiyara, District- Sitamarhi, presently residing at village- Pratap Nagar, P.S. Sitamarhi, District- Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Yugeshwar Baitha, S/o Late Ramdeo Baitha, R/o Matiyar Kala, P.S.- Sahiyara, Dist- Sitamarhi.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      28-01-2016                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner apprehends arrest in connection with Complaint Case No. C1-2051/2012, T.R. No. 354 of 2013, arising out of Sahiyara P.S. Case No. 47/2009 for the offences alleged under Sections 302, 120-B/149 of the Indian Penal Code.

The prosecution case, as per complaint-cum-protest petition filed by the complainant Yugeshwar Baitha, is that on 26.01.2008 at about 6.00 P.M., he alongwith his son Nawal Kishore Baitha and grandson Kaushal Kishore Baitha had gone to Village Baduri Bazar, son of the complainant, namely,



Sanjay Baitha was also in the market. It is further alleged that Sanjay Baitha was taken by motorcycle and the motorcycle belongs to the accused Shailendra. The motorcycle was driven by Sanjay Baitha and Kamal Kumar Das and Shailendra Mahto were pillion rider. They proceeded towards west of the market. The complainant heard the sound of firing. The complainant and other people rushed towards the place of firing. It is further alleged that accused Vinayak Jha fired from his Nalkatua. Kamal Kumar Das and Shailendra Mahto got down from the motorcycle. They also proceeded in assaulting Sanjay Baitha. All of them have country-made gun in their hand. They also fired on Sanjay Baitha. It is further alleged that accused Kamal Kumar Das and Shailendra Mahto fired from fire-arms causing injury to Sanjay Baitha. On the order of Keshri Nandan Thakur, accused Chandeshwar Mahto and Baliram caused injury with *khukhari*, on account of which, Sanjay Baitha died at the spot. The motive behind the occurrence is land dispute with regard to construction of road and distribution of profit.

It has been submitted by the counsel for the petitioner that there is no specific allegation against this petitioner and he has been falsely implicated in the aforesaid case. It has further been submitted that final form has been



submitted in which no offence has been made out against the petitioner, which was accepted by the court. Thereafter the complainant filed protest petition, on the basis of which the petitioner has been made accused in the present case. Learned counsel for the petitioner further submits that a Co-ordinate Bench of this Court has granted the privilege of anticipatory bail to five other accused persons, who were associates of the petitioner, in Cr. Misc. No. 24439 of 2015 vide order dated 21.09.2015.

Learned APP on behalf of the State submits that the petitioner is named in the First Information Report.

Be that as it may, let petitioner, named above, in the event of arrest or surrender before the court below within a period of eight weeks from today, 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 Sub-Divisional Judicial Magistrate, Sadar Sitamarhi, in connection with Complaint Case No. C1-2051/2012, Trial No. 354/2013, arising out of Sahiyara P.S. Case No. 47/2009, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, since the petitioner is an accused in other cases of similar nature, if the petitioner in future is found to have indulged in a case of

similar nature, the learned court below will be at liberty to cancel the bail bond of the petitioner without being prejudiced with this order.

**(Nilu Agrawal, J.)**

Rajesh/-

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