

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2381 of 2016

Arising Out of PS.Case No. -242 Year- 2013 Thana -PARIHAR District- SITAMARHI

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1. Binay Baitha @ Vinay Baitha son of Kishun Baitha Resideny of Village-
Mahuawa P.s. Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra

For the Opposite Party/s : Mr. Surendra Kumar (App)

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

ORAL ORDER

3 17-03-2016

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 394 of the I.P.C

Allegedly, when the informant was returning to his
house after closing his shop, in the way the petitioner and other
FIR named accused persons surrounded him, stopped his
motorcycle, started assaulting with knife and the iron rod, and
against the petitioner it is alleged that he took away his mobile,
whereas, other co-accused snatched the amount of Rs. 10,000/-,
Titan wrist watch and ring and further the petitioner assaulted the
informant with katta on his head.

Submission is of false implication and that the
petitioner is the co-villager of the informant, the prosecution story

appears not probable and reliable, due to the enmity the petitioner has been implicated, the petitioner in no way was connected with the alleged offence, nothing incriminating article has been recovered from possession of the petitioner and as such he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner has got criminal antecedent also and further the robbed mobile was recovered from possession of the petitioner.

In the facts and circumstances as stated above, the petitioner shall be released on bail **after completion of six months in custody**, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Sitamarhi in Parihar P.S. Case No. 242 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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