

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6155 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

Naresh Baitha, S/o Heera Baitha, Resident of Village- Dulma, P.S.-
Madhuban, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party : Mr. R.P. Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-02-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for bail in connection with Madhuban P.S. Case No. 11 of 2016 for the offences alleged under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b)A/26/35 of the Arms Act, having earlier been rejected by this Court by order dated 12.07.2016 in Criminal Miscellaneous No. 27316 of 2016.

3. It is reiterated that the petitioner has been falsely implicated in connection with alleged recovery of a country made 'katta' along with three live cartridges and a mobile from his possession. It is submitted that on the earlier occasion regard being had to the criminal antecedents of the petitioner his prayer for bail was rejected by this Court.

4. A supplementary affidavit has been filed enclosing copies of judgment passed in relation to Madhuban P.S. Case No. 10 of 2016 as well as Madhuban P.S. Case No. 364 of 2015 in which the petitioner has since been acquitted by judgment dated



21.01.2017 and 30.01.2017 respectively.

5. Having regard to the entirety of the facts and circumstances of the case as well as the period of custody since 12.07.2016 already suffered, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 9th, East Champaran at Motihari in connection with Madhuban P.S. Case No. 11 of 2016 on the following conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned

(Vikash Jain, J)

Chandran/lbrar

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