

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55274 of 2019

Arising Out of PS. Case No.-27 Year-2010 Thana- SHYAMPUR BHATHA District- Sheohar

RAM PRAVESH BAITHA @ SATISH JI Son of Late Yadunandan Baitha @
Jaidu Baitha, Resident of Village - Kauriya, P.S.- Madhuban, Dist.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 17-09-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 25.06.2014 in connection with the present case, registered for the offence, punishable under Sections 147, 148, 149, 436, 427, 307, 302 and 120B of the Indian Penal Code, Section 3/4 of the Explosive Substance act, and Section 17 of the C.L.A. Act.

Learned counsel for the petitioner submits that the accusation made in the FIR by Subodh Kumar Yadav, the informant of the case is that on 21.04.2010 at about 2.30 P.M. while he was sitting at his door and was talking with his family members, around 60-70 Maoists came and surrounded the house of the informant and attacked with sharp-cutting weapons,



leading to the death of five family members of the informant. It is further submitted that so far as the petitioner is concerned, he is not named in the FIR and the named accused persons were taken into custody. It is next submitted that after three years of the occurrence, one of the co-accused Anurag Vishwakarma @ Akash Vishwakarma @ Kamlesh Vishwakaram was taken into custody on suspicion and he, in his confessional statement made before the police, has named the present petitioner and, as a result of which, he(petitioner) was remanded in connection with the present case. It is also submitted that the petitioner's implication in connection with the present case is on mere suspicion and he has nothing to do with the present occurrence. It is further submitted that the aforementioned Anurag Vishwakarma @ Akash Vishwakarma @ Kamlesh Vishwakaram, who took the name of the petitioner in his confessional statement, having no evidentiary value, has since been granted the privilege of bail in Cr. Misc. No. 32513 of 2013, vide order dated 16.01.2014. He thus submitted that the petitioner also deserves the privilege of regular bail. He further submitted that so far as the criminal antecedents of the petitioner, as referred in paragraph 2 of the bail petition is concerned, in most of the cases, he has falsely been implicated



and he has already been extended the privilege of bail in those cases. He thus submitted that the petitioner may be extended the same privilege in connection with the present case.

Having considered the facts and circumstances of the case and also that the petitioner's name has come in the confessional statement made before the police by the said accused person, who has also been granted the privilege of bail, this application is allowed.

Let the petitioner, above named, 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 the court of learned Additional District and Sessions Judge, 1st-cum-Special Judge, Sheohar in connection with Sessions Trial No. 91 of 2014, arising out of Shyampur Bhataha P.S. Case No. 27 of 2010, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

3. 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 reasons, his



bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall co-operate 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.

(Anjana Mishra, J)

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