

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53105 of 2019

Arising Out of PS. Case No.-105 Year-2017 Thana- MADHUBAN District- East Champaran

Sanjay Baitha, Male, aged about 23 years, S/o Makhan Baitha, Resident of
Village- Pakariya, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliari, Advocate

For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Madhuban P.S. Case No. 105 of 2017 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Informant is the father of deceased, who, in his
written complaint, has stated that on 06.05.2017 at about 7:00
P.M. marriage function of his niece was scheduled, on which
petitioner and two other accused were also there and started
quarreling and abusing them and when same was objected
accused persons assaulted his son by Chhura and he was carried
to hospital where he succumbed to his injuries. According to
postmortem report, there are two lacerated wounds found on the
left arm and left side of the body and there is a fracture on left



side of the temporal bone which is caused by hard blunt object and that is the cause of death. There is no allegation of causing injuries by hard blunt object. Petitioner is in custody since 02.03.2019 and he has no criminal antecedent.

Learned counsel for the petitioner submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court dated 31.07.2019 passed in Cr. Misc. No.22358 of 2019.

In the facts and circumstances of the case, 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 A.C.J.M, IV, Motihari, East Champaran in connection with Madhuban P.S. Case No. 105 of 2017, subject to the following conditions :

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of his bail bonds.

(Anjani Kumar Sharan, J)

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