

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59277 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- NOKHA District- Rohtas

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SANJAY BAITHA Son of Daroga Baitha @ Daroga Ram Resident of Village
- Lilari, P.S. - Nokha (Baghaila), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 15-10-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 11.06.2019 in connection with Nokha P.S. Case No. 188/2018 registered for the offence punishable under Sections 302/201/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that though the petitioner is named in the FIR along with 15 other persons, the only role which has been assigned to the present petitioner is that he has entered the house and had taken away the deceased by dragging him along with other accused persons . There is no allegation of firing as against the present petitioner and another similarly situated person whose name was also taken by the informant has since been extended the



privilege of bail in Cr. Misc. No. 79255 of 2018 vide order dated 18.01.2019. Learned counsel for the petitioner further submits that save and except the allegation as made out in the FIR, there is no further material to implicate the petitioner and the reason for his implication is that he is *Bataidar* of the accused Saroj Singh and has nothing to do with the informant nor is he known to them. Learned counsel next submits that the petitioner is willing and undertakes to co-operate in the trial as and when required.

Considering the aforementioned facts and circumstances, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Rohtas at Sasaram in connection with Nokha P.S. Case No. 188/2018, subject to the following conditions:

(1) One of the bailors will be father of the petitioner.

(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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