

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7748 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

PESKAR BAITHA Son of Sudama Baitha Resident of - Sarawe, P.S.- Siwan
(Muffasil), Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Madhuri Lata

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Narsingh Tanti, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 452 of 2018 for the offence registered under Sections 302, 201, 403 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having snatched the tractor of the son of the informant and killed him whereafter they had thrown his dead body in the canal.



The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and he has been falsely implicated in the present case. It is further submitted that the name of the petitioner has been roped in the present case merely on suspicion and there is no material to show the complicity of the petitioner in the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case diary, this Court is of the view that benefit of doubt can be granted to the petitioner as far as consideration of the present bail petition is concerned, however, subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bettiah, West Champaran in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 452 of



2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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