

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75787 of 2019

Arising Out of PS. Case No.-35 Year-2018 Thana- SALAIYA District- Aurangabad

SANJIWAN BAITHA @ BHUPENDRA RAJAK Son of Bilash Rajak @ Rambilas Rajak Resident of Village - Lapura, P.S.- Mufasil, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 07-01-2020 Heard learned counsel for the petitioner and
learned counsel for the State.

Petitioner, who is in custody seeks bail in a case registered under Sections 386, 387/34 of the Indian Penal Code and 4/5 of E.S. Act and 25(1-B), A, 26, 35 of Arms Act.

Informant who is the police officer in his self statement has alleged that on 17.06.2018 at about 1:00 AM in the night he received a secret information that Hardcore Naxali Ramji Bhuiyan alongwith other Naxals have assembled and after receiving said information he alongwith other police personnel raided the place and arrested said Ramji Bhuiyan after chase who disclosed the name of petitioner who was also accompanying him but managed to escape.



It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case and on the said date he was in judicial custody, as such, his presence at the place of occurrence is not possible. It has been further submitted that the main accused Ramji Bhuiyan has already been granted regular bail by this Court passed in Cr. Misc. No. 6201 of 2019 vide order dated 04.02.2019. Petitioner is in custody since 13.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Salaiya P.S. Case No. 35 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to



cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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