

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84566 of 2019**

Arising Out of PS. Case No.-154 Year-2019 Thana- RIGA District- Sitamarhi

ADITYA BAITHA Son of Rambali Baitha, Resident of Village - Harpursari,
P.S.- Parsauni, Distt.- Sitamarhi. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-05-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Riga P.S. Case No. 154 of 2019

registered for the offences 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

although the petitioner is said to be the person who had taken

away the deceased on his motorcycle and he was the person

who had been lastly seen with the deceased, it has come in

course of investigation that the co-accused Mohan Baitha had



shot dead the deceased Dhiraj Kumar.

Learned counsel for the petitioner submits that this petitioner has got no criminal history and the co-accused Mohan Baitha who has got criminal antecedent as also the person who had killed the deceased Dhiraj Kumar has been enlarged on bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 21220 of 2019. It is stated that the petitioner having remained in custody for over six months may be released on bail.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It has been pointed out from various paragraphs of the case diary that it was the petitioner who had come to the shop of the deceased Dhiraj Kumar and this petitioner had been seen and caught in the CCTV camera while taking away the deceased Dhiraj Kumar on 28.05.2019 at about 8-9 p.m. It is submitted that in the morning on 29.05.2019 it was found that the Dhiraj Kumar had been killed. Apart from the witnesses the petitioner has also confessed that he had brought the deceased at the instance of Mohan Baitha and these facts have come in course of investigation.

So far as the release of the co-accused Mohan Baitha on bail is concerned, learned APP for the State has argued that



the grant of bail to co-accused Mohan Baitha would not entitle the petitioner to claim the privilege of bail in view of the materials clearly indicating that this petitioner had taken away the deceased and killed him in conspiracy with the co-accused.

Considering the facts and circumstances of the case, the materials appearing on the record, the various paragraphs of the case diary containing the statements of the witnesses showing that this petitioner had taken away the deceased Dhiraj Kumar and he was in contact with co-accused Mohan Baitha who is a history sheeter having as many as 13 criminal cases against him as per records, this Court regrets its inability to accept the submission of learned counsel for the petitioner that he should be granted regular bail because co-accused Mohan Baitha has been granted bail by a learned co-ordinate bench of this Court, this Court is not inclined to grant regular bail to the petitioner.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

