

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15473 of 2021

Arising Out of PS. Case No.-337 Year-2019 Thana- RIGA District- Sitamarhi

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OSHAID BAITHA Son of Yasin Baitha @ Ashin Baitha Resident of Village -
Kusumpur Bakhari, P.S.- Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Riga P.S. Case No. 337 of

2019, registered for the offence punishable under Sections 307,

302 and other allied sections of the Indian Penal Code.

As per the prosecution case, informant along with her

family members after harvesting crop, returned to her home and

saw that on her field, all the accused persons including this

petitioner were making construction. On protest, co-accused

Kudrat Baitha caught hold her husband and Firoz Baitha and

others indiscriminately assaulted by means of lathi, danda, rod

etc, as result of which informant's son Gulam Rasool became



severely injured and died during course of treatment.

It is submitted on behalf of the petitioner that admittedly there is land dispute between the parties and due to that petitioner has falsely been implicated. No specific over act has been alleged against this petitioner rather there is general and omnibus allegation. Specific allegation of assault is against co-accused Kudrat Baitha. Moreover, similarly situated co-accused has been granted bail by this Court vide order dated 10.09.2020 passed in Cr. Misc. No. 22795 of 2020. Petitioner is in custody since 08.01.2020 and he claims clean antecedent.

Counsel for the State opposed the prayer for bail.

Considering the facts and circumstances of the case and the fact that no specific over act has been alleged against this petitioner and bears clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Sitamarhi in connection with Riga P.S. Case No. 337 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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