

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35350 of 2020

Arising Out of PS. Case No.-87 Year-2005 Thana- MADHUBAN District- East Champaran

RAM PRAVESH BAITHA @ SATISH JEE son of LATE YADUNANDAN
BAITHA Resident of Village- Kauriya, Police Station- Madhuban, District-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate

Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

10 19-05-2021 Heard Mr. Rajendra Narain, learned senior counsel
for the petitioner and Mr. Nityanand Tiwari, learned Additional
Public Prosecutor for the State through video conferencing.

2. Petitioner seeks regular bail in connection with
Madhuban PS Case No. 87/2005 registered for the offence
punishable under sections 396/307/436/353 of the Indian Penal
Code, Section 27 of the Arms Act, Section 3/4 of the Explosive
Substance Act and Section 17 of the C.L.A Act.

3. The prosecution story, in brief, is that on the date
of occurrence i.e., on 23.06.2005 at about 12:45 PM, some
extremists entered into Madhuban police station and fired upon
the police party and in the said firing, police personnel as well
as extremists received injuries and members of both the sides
were killed.



4. Learned senior counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of statement made by a co-accused, Shashi Bhushan Jha who has already been released on bail in the year 2007 itself. Learned counsel next submits that another co-accused person, namely, Suresh Baitha has also been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 3083/2018 (Annexure-2).

5. Learned counsel next submits that the occurrence took place in the year 2005 but investigation of the case is still pending and the petitioner was remanded in this case on 02.01.2020 from Chakia PS Case No. 151/2014 in which he was in custody since 2014. Learned counsel further submits that the petitioner was in custody for about six years in the aforesaid Chakia PS Case No. 151/2014. The police filed a petition for remand of the petitioner in the present case after about six years. Learned counsel next submits that petitioner was never put on TIP and nothing incriminating has been recovered from his possession.

6. On the other hand, learned counsel for the State submits that petitioner has got criminal antecedents inasmuch as 18 cases are pending against him and hence, he does not deserve



privilege of bail. In reply of the same, learned senior counsel for the petitioner submits that out of eighteen cases, petitioner has been acquitted in fifteen case and in rest of the three cases, he has been enlarged on bail.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court including the co-accused, Shashi Bhushan Jha, on whose confessional statement, name of petitioner has transpired in this case and the petitioner remained in custody since 14.02.2014 and remanded in this case on 08.01.2020, I am inclined to grant regular bail to the petitioner.

8. Accordingly, let petitioner, RAM PRAVESH BAITHA @ SATISH JEE be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sigraulti, Motihari in connection with Madhuban PS Case No. 87/2015 subject to the condition that the petitioner shall be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



9. It is made clear that at the time of furnishing bail bonds, the parties are strictly to maintain covid protocol of lockdown, social/physical distancing and sporting masks.

(Anil Kumar Sinha, J)

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