

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54499 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- INARWA District- West Champaran

Baijnath Sah @ Baidyanath Sah @ Tharu S/O Bhutti Sah Resident Of
Village- Barwa Parsauni, P.S.- Inarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

Mr. Sanjeev Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-07-2022 Heard learned counsel for the petitioner, informant
and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 147, 148, 149, 341, 323, 324,
307 and 302 of the Indian Penal Code.

Earlier, prayer for bail of the petitioner was rejected
vide order dated 19.01.2021 passed in Cr. Misc. No. 32646 of
2020.

It is submitted by learned counsel for the
petitioner that petitioner is innocent and has been falsely
implicated in this case. He submits that now the charges have
been framed against the petitioner. He submits that there is
specific allegation against co-accused Kanhaiya Sah who
assaulted the deceased by means of rod. He submits that the said



co-accused has already been granted bail by a Bench of this Court vide order dated 12.05.2022 in Cr. Misc. No. 51859 of 2021. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application and he is languishing in judicial custody since 28.04.2020.

Learned APP for the State opposes the prayer for bail.

Considering the fact that the main accused has already been granted bail, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with S. Tr. No. 359 of 2021 arising out of Inarwa P.S. Case No. 32 of 2020, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two



consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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