

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55134 of 2021

Arising Out of PS. Case No.-295 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Rajesh Baitha Son Of Mewalal Baitha Resident Of Village- Gobari, P.S.-
Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Town P.S.
Case No. 295 of 2021 registered under Sections 399, 401, 414
of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of
the Arms Act.

Petitioner is stated to be in custody since 18.04.2021
and it is submitted that he is having a clean antecedent.

On receiving secret information regarding assembly



of 4-5 miscreants for planning an offence, police reached there, whereafter the miscreants started fleeing. Three out of five have been apprehended, including the petitioner. From the petitioner's possession, there is alleged recovery of one master key, one wrench and iron rod.

Recovery is denied and disputed by counsel for the petitioner. It is submitted that the same is not in accordance with law. The petitioner who was a bonafide passer-by has been apprehended in this case and has become victim of the situation.

Learned APP has opposed the prayer for bail.

Having regard to the aforesaid submissions, period of custody in view of the fact that investigation is complete and there is no allegation of tampering of evidence, and clean antecedents of the petitioner, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in Town P.S. Case No. 295 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor 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 date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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