

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60637 of 2022

Arising Out of PS. Case No.-401 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

Ashok Baitha Son Of Surendra Baitha R/O Village- Dhankadha, P.S.-
Sasaram (M), Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2022 Let the defect (s), as pointed out by the office, be
ignored.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
147,148,149,341,323,324,307,504,506 of IPC and Section 27 of
Arms Act.

The prosecution case, in short, is that on 10.11.2021,
the allegation against the petitioner is that he alongwith other
accused persons assaulted the informant and his nephew. On the
instigation of co-accused Birendra Ram, petitioner fired upon
the nephew of informant which caused firearm injury upon the
thigh of the nephew of the informant, consequently he fell on



the ground and thereafter and other accused persons assaulted him with lathi-danda and iron rod.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Further submits that as per FIR, allegation against the petitioner is that on the instigation of co-accused Birendra Ram, petitioner fired upon the nephew of informant which caused firearm injury upon the thigh of the nephew of the informant. Further submits that it appears from the injury report that the nature of the injury caused by firearm and not on the vital part of the body of the nephew of the informant.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sasaram (M) P.S. Case No. 401 of 2021, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) 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 on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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