

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69502 of 2021**

Arising Out of PS. Case No.-128 Year-2019 Thana- KANHAULI District- Sitamarhi

Shivnandan Baitha, S/o Raktu Baitha @ Ravindra Baitha, R/o village-
Ramnagra, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar, Advocate

For the Opposite Party/s : Mrs.Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 27-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Kanhauli P.S. Case No. 128 of 2019 registered
for the alleged offences under Sections 397, 307, 457 of the
Indian Penal Code and Sections 25 (1-b)a/ 26/35 and 27 of the
Arms Act.

As per prosecution case, theft was committed in the
dwelling house of the informant in the night by FIR named two
co-accused persons as well as two unknown miscreants. When
the wife and the daughter of the informant resisted the theft, the



co-accused Dinesh Ram fired upon the daughter of the informant. The name of the petitioner transpired as one of the accused persons in this case during investigation.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to village politics and the Mukhiya election which was held last year. The petitioner has been made accused in a number of cases within a span of six months and has been named as accused in altogether nine cases, but the petitioner is on bail in all such cases. The learned counsel further submits that in this case the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. Similarly placed co-accused Sant Ram has been granted bail by a Coordinate Bench of this Court vide order dated 29.01.2022 passed in Cr. Misc. No. 29541 of 2021. The petitioner is in custody since 06.10.2021 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the name of the petitioner surfaced during investigation in the statement of victim Khushboo Kumari recorded by the police.

Perused the records.

Having regard to the facts and circumstances and



submissions made hereinabove and considering the nature of allegation against the petitioner and lack of substantive material to connect him with the occurrence as alleged and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Kanhauli P.S. Case No. 128 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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