

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70005 of 2021

Arising Out of PS. Case No.-52 Year-2021 Thana- BALTHAR District- West Champaran

1. YOGESH BAITHA @ YOGENDRA BAITHA Son of Farindra Baitha Resident of Village - Aryanagar, P.S.- Balthar, District - West Champaran.
2. Suman Baitha Son of Bagad Baitha Resident of Village - Aryanagar, P.S.- Balthar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard both sides.

Petitioners seek regular bail in connection with Balthar PS Case No. 52 / 2021 instituted for the offence under Section 147 / 148 / 149 / 341 / 323 / 302 / 504 of the IPC.

As per the prosecution case it is alleged that on 10.05.2021 the F.I.R. named accused persons including the petitioners all armed with deadly weapons started abusing the informant which was protested by him, whereupon the co-accused / Mintu Baitha gave iron rod blow over the head of the informant's brother, who died on way to hospital.

Learned counsel for the petitioners submits that present case is the counter blast of Balthar PS Case No. 51 of



2021, which has been lodged by the side of the petitioners against the informant prior to the present F.I.R. Learned counsel further submits that there is general and omnibus allegation against the F.I.R. named accused persons and at best petitioners can be said to be members of unlawful assembly. It is next submitted that petitioners have clean antecedent and they are in custody since 26-06-2021, investigation has already completed and charge sheet submitted. Learned counsel next submits that co-accused / Ranjeet Baitha has been granted privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 59343 / 2021.

Regard being had to the submissions made by the parties, taking into consideration the fact that there is general and omnibus allegation against the petitioners, the specific allegation of assault leading to death has been attributed to Mintu Baitha, similarly situated co-accused has been granted bail by this Court, petitioners have clean antecedent and they are in custody since 26-06-2021, as such, I am inclined to grant regular bail to the petitioners.

Let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs. 20000/- (twenty thousand) each with two sureties of the like amount each to the



satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Balthar PS Case No. 52 of 2021 on the following conditions:-

(a) that one of the bailors will be the close relative of the petitioners.

(b) that the petitioners shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, their bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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