

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71989 of 2021

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

Rambaboo Baitha @ Rambabu Baitha Son Of Tribeni Baitha @ Trivedi
Baitha Resident Of Village- Aryanagar, P.S- Balthar, Dist- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Balthar P.S. Case No. 52 of 2021 lodged under Sections 147,
148, 149, 341, 323, 302 and 504 of the I.P.C.

As per the prosecution case, the current F.I.R. has
been lodged against 22 named accused persons that they
collectively attacked on the informant. Upon oppose, one
Harinder Baitha was order giver and Mintu Baitha had assaulted
the elder brother of the informant due to which the bleeding
started and during treatment the said injured died.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that in the entire F.I.R., there is nothing specific rather a general and omnibus allegation has been made against the present petitioner. Learned counsel for the petitioner further submits that petitioner is in custody since 05.09.2021 having clean antecedent. He further submits that other accused persons similarly situated were granted bail vide order dated 12.04.2022 and 24.05.2022 passed in Cr. Misc. No. 59343 of 2021 and Cr. Misc. No. 70005 of 2021.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner become the member of mob and assaulted the deceased along with others.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Balthar P.S. Case No. 52 of 2021, subject to the conditions as laid down under Section

437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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