

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13643 of 2023

Arising Out of PS. Case No.-3 Year-2021 Thana- C.B.I CASE District- Patna

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Shri Anil Baitha @ Anil Kumar Baitha @ Anil Baitha @ Anil Chaudhary S/O
Jaleshwar Baitha Resident Of Village- Gopalpur, P.S.- Vaishali, District-
Vaishali.

... .. Petitioner/s

Versus

The CBI Office of The Head Of Branch Special Crime Branch, Dr. S.K. Singh
Path, Bailey Road. Patna 800022, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha

For the Opposite Party/s : Mr.Nivedita Nirvikar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-11-2023 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the C.B.I.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 120(B), 420, 193 of the Indian Penal Code.

It is alleged against the petitioner that this

petitioner in conspiracy with his father Jaleshwar Baitha

had secured bail from lower court and this Hon'ble Court

by deliberately and concealing his criminal antecedent.

It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely



been implicated in this case. As per the contention mentioned in the F.I.R, hardly a case under Section 193 I.P.C is made out which is bailable in nature and Section 420 I.P.C is not at all applicable in this case as it has been made for dishonest intention and the person was cheated after making inducement and the ingredients of Section 120 I.P.C is not applicable because there is no evidence with regard to pre-meeting of mind. The charge-sheet has already been submitted against the petitioner. It is further submitted that petitioner was in custody at the time of filing of bail application before this Hon'ble Court and the petitioner was not aware with this fact that in paragraph No. 3 of the bail petition, it has been mentioned that he has got no criminal antecedent and without playing any role, he has been made accused in this case. The petitioner is languishing in custody since 03.09.2022.

In contra, learned counsel appearing on behalf of the C.B.I has vehemently opposed the prayer for bail



of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Exclusive Magistrate, C.B.I, Patna in connection with C.B.I Case No. RC3(A)/2021, CIS No. 08/2021.

(Sunil Kumar Panwar, J)

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