

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59984 of 2023

Arising Out of PS. Case No.-357 Year-2021 Thana- VAISHALI District- Vaishali

Dinesh Baitha Son Of Chana Baitha Village- Mishrauliya Jagdish Ps- Vaishali
Belsar Op, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 302, 34 of the Indian Penal Code.

As per prosecution case, the allegation against the accused persons including the petitioner is that they assaulted the informant's husband by means of *lathi*, *danda* due to which he sustained injuries and died on the spot. It is further alleged that two co-accused persons were apprehended on the spot while they were trying to flee.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous enmity. The



petitioner was not apprehended on the spot and he has no concern with the alleged occurrence and no specific allegation levelled against him. Co-accused persons have been arrested on the spot, who have already been granted bail by a coordinate Bench of this Court vide order dated 28.11.2022 passed in Cr. Misc. No. 2873 of 2022. It is further submitted that except suspicion no consistent evidence has come out against the petitioner. He has got no criminal antecedent. Moreover, he is languishing in judicial custody since 25.04.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Vaishali (Belsar O.P.) P.S. Case No. 357 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court.

(Sunil Kumar Panwar, J)

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