

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74775 of 2022

Arising Out of PS. Case No.-394 Year-2016 Thana- KUDHNI District- Muzaffarpur

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MUNNA BAITHA Son of Jailal Baitha Resident of village - Jalalpur, P.S.-
Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
02.07.2022 in connection with Kudhani P.S. Case No. 394 of
2016, F.I.R. dated 09.12.2016 registered for the offence
punishable under Sections 401,413,414,120(B)/34 of IPC and
Sections 25(1-b)a,26,35 of the Arms Act.

The allegation against the petitioner is that when
police started chasing him, he succeeded to flee from the pick
up van. It is also alleged that he is a member of shutter cutting
gang who committed offence in the night in the shop and
godown.

Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case on the basis of the disclosure made by co-accused persons, namely, Babloo Pandit and Deepak Kumar. Further submits that nothing has been recovered from conscious possession of the petitioner and due to previous criminal antecedent, the petitioner has been implicated in the present case. Further submits that except the disclosure of the co-accused persons, no material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the co-accused persons, namely, Babloo Pandit and Deepak Kumar have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 17.03.2017 and 28.03.2017 passed in Cr. Misc. Nos.8734 of 2017 and 12061 of 2017 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.07.2022.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries 15 more cases other than the present one but fairly submits that out of 15 cases, the petitioner is on bail in 12 cases, in one case, the petitioner has been acquitted and



rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Kudhani P.S. Case No. 394 of 2016, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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