

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7825 of 2023**

Arising Out of PS. Case No.-401 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

Harendra Baitha Son Of Kanhaiya Baitha R/V- Dhankadha, P.S- Sasaram (M)  
Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      02-05-2023                      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 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, informant alleged that on 10.11.2021, petitioner along with co-accused persons armed with lathi, danda, iron rod and country made katta came and on instigation of co-accused Birendra Ram, co-accused Ashok Baitha fired upon the nephew of the informant due to which his nephew sustained thigh injury. It is further alleged that accused persons also assaulted the informant.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. There is no specific allegation of shot fired leveled against the petitioner rather general and omnibus allegation leveled against him. The specific allegation of shot fired is against co-accused, namely, Ashok Baitha. Similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 04.01.2023 passed in Cr. Misc No. 41885 of 2022. It is further submitted that the petitioner has got no criminal antecedent moreover, he is languishing in judicial custody since 22.09.2022.

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 judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sasaram P.S. Case No. 401 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 C.J.M., Sasaram District Rohtas.

**(Sunil Kumar Panwar, J)**

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