

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15232 of 2024

Arising Out of PS. Case No.-64 Year-2005 Thana- BARGAINIA District- Sitamarhi

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Birendra Kaji, age-42 years, Gender-Male, Son Of Bhup Narayan Kaji
Resident of Village- Bairiya Khurd, P.S.- Laukariya, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-03-2024 Heard learned counsel appearing on behalf of the

parties.

2. The petitioner seeks bail in connection with
Bairgani P.S. Case No.-64 of 2005 registered for the offence
under Sections 147, 148, 149, 307, 332, 302, 364 and 120(B) of
the Indian Penal Code, Section 27 of the Arms Act and Section
17 of the CLA Act.

3. As per the prosecution case, it is a case of murder
by some unknown persons.

4. Learned counsel for the petitioner has
submitted that petitioner has falsely been implicated in this case.
He next submits that petitioner's name figured during the course
of investigation which took fifteen years by the investigating



officer to get him remanded in this case. Petitioner is in custody since 20.10.2020. Several co-accused persons have already been granted bail by a Co-ordinate Benches of this Court passed in Cr. Misc. Nos. 14998 of 2010, 15509 of 2011, 40717 of 2014, 49751 of 2015, 1344 of 2016, 17015 of 2016, 20539 of 2016, 20411 of 2016, 33962 of 2016 and 17143 of 2018.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as the fact that several accused persons have also been granted bail by different Benches of this Court, let the petitioner, above named, be directed to be released on bail in connection with Katihar Bairagania P.S. Case No.64 of 2005 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi with condition that :-

(I) one of the bailors shall be a close relative of the petitioner

(ii) If the petitioner is found involved in future in similar type of case the prosecution will be at liberty to make prayer for cancellation of his bail and the trial court will pass necessary order including cancellation of bail and



(iii) petitioner would participate in the court proceeding and in the event of being absent on two consecutive dates, trial court will be at liberty to cancel the bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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