

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62070 of 2024

Arising Out of PS. Case No.-12 Year-2013 Thana- KHUDWA District- Aurangabad

Sanjivan Baitha @ Bhupendra Baitha @ Bhupendra Rajak S/O Late Bilash
Rajak R/O Village- Lapura, P.S- Muffasil, Distt.- Aurangabad.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lalbahadur Singh, Adv
For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 05-05-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Khudwan P.S. Case No. 12 of 2013 registered for the offences punishable u/s 147, 149, 341, 427, 435 and 384 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, some unknown criminals burnt the JCB machine of M/s R.K. Construction & Company thereafter they fled away after making slongans.

4. Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and his name has surfaced on the confessional statement of the co-accused, namely, Baliram Yadav. It is further submitted that no TIP has



been conducted for the verification of the accused persons. It is next submitted that the co-accused has already been granted bail by a co-ordinate Bench of this Court vide order dated 29.02.2020 passed in Cr. Misc. No. 9918 of 2020. It is lastly submitted that the petitioner has ten criminal antecedents and is in custody since 29.01.2018.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner is a member of Naxalite's Group and also carries ten criminal antecedents of the same nature of offences, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and taking into account the fact that the petitioner is not named in the FIR and till date no TIP has been conducted for the verification of the accused persons and also taking into account the fact that the co-accused person on whose confessional statement the name of the petitioner has transpired in this case has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.06.2014 passed in Cr. Misc. No. 17954 of 2014 coupled with the fact that the petitioner is in custody since 29.01.2018, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Aurangabad in connection with Khudwan P.S. Case No. 12 of 2013, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner's involvement is found in similar nature of offence in the future, the prosecution will be at liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Sourendra Pandey, J)

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