

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9603 of 2016

Arising Out of PS.Case No. -122 Year- 2015 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Bhutkun Mukhiya Son of Satan Mukhiya, R/o Village Sanichari, P.S. -
Sanichari District W. Champaran.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Reena Sinha(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-03-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is in judicial custody since 25.11.2015 in
connection with Gaunaha P.S.Case No. 122/2015 for offences
alleged under Sections 376, 302, 120B and 201 of the Indian Penal
Code.

The prosecution case, as per written application of
the informant given before S.H.O., Gaunaha P.S., is that on
11.08.2015, his daughter had gone in the house of his co-villager,
Sitam Mukhiya and returned. It is further stated that his daughter
had gone for natural call on 12.08.2015 but did not return then his
wife searched but she could not find her. It is further stated that on



13.08.2015 she received information that his daughter's dead body is lying in the cane field of Pandeyji. It is further alleged that there was no injury on her body but there was black mark on the neck and bleeding from her mouth. It is further stated that they have burnt dead body of his daughter. It is further stated that there was delay in lodging F.I.R because his son was working in Panipath and when he come then this F.I.R. has been lodged.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent having no criminal history and the F.I.R. has been instituted after seven days of the alleged occurrence, no substantial explanation has been given for the inordinate delay.

It has further been submitted that there is no eye witness nor any substantial evidence in support of the allegations made in the F.I.R. Learned counsel for the petitioner has submitted that the petitioner has been made accused only on the basis of suspicion and body of the deceased has not been recovered and no police has visited the cremation spot.

It has further been submitted that one of the co-accused named in the F.I.R., has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 51004 of 2015 dated 10.02.2016.

However, learned A.P.P. for the State submits that the petitioner being Son-in-law of Sitam Mukhiya, is named in the F.I.R. and opposes the prayer for bail.

Be that as it may, since co-accused has already been granted bail, let the above named petitioner 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, Bettiah, west Champaran in connection with Gaunaha P.S.Case No. 122/2015.

(Nilu Agrawal, J)

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