

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49805 of 2015

Arising Out of PS.Case No. -1135 Year- 2012 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Jai Kishore Baitha
 2. Sajjan Baitha
 3. Ratan Baitha All sons of Nathuni Baitha Resident of Sirsiya Bazar, P.S.
- Bela, District - Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar
2. Biltu Baitha Son of Mangal Baitha Resident of Village - Hanuman
Nagar, P.S. - Sursand, District - Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Virendra Kumar, Advocate
For the Opposite Parties : Mr. Prem Kr.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.C-1/1135 of 2012 for the offences instituted under Sections 302, 364, 120B, 420 and 34 of the Indian Penal Code.

It is alleged in the complaint petition that only son of the complainant, namely, Kamlesh Baitha aged about 14 years was taken away by the petitioners to Ludhiana on the pretext of getting him job. The petitioners came to the village but son of the complainant did not return. The complainant and his daughter

enquired from the accused persons about the son of the complainant then the accused persons did not give any reply and on 25.06.2012, when the complainant enquired from the petitioners in presence of the witnesses then they told that son of the complainant is no more alive.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. A complaint case was filed for an offence under Sections 302, 364, 120B and 420 of the Indian Penal Code. Cognizance was taken only under Sections 364 and 420 of the Indian Penal Code by the court below.

From perusal of the complaint case, it appears that the alleged date of occurrence is 14.12.2010 and the complaint case was filed on 28.06.2012, i.e., after a period of one and half years. There is no explanation in respect to delay. Cognizance has been taken in the case, i.e., on 08.12.2014. Except for suspicion, there is no other substantive piece of evidence to show the implication of these petitioners in the present case.

On behalf of the State, it has been submitted that the petitioners are named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a

period of six weeks from today in connection with Complaint Case No. C-1/1135 of 2012 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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