

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27688 of 2017

Arising Out of PS.Case No. -56 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Laxman Baitha, son of late Shree Baitha.
2. Kanti Devi, wife of Laxman Baitha, both are resident of Village- Dekaha,
P.S.- Kesariya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 21-09-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Kesariya P.S. Case No. 56 of 2016, registered under Sections
120B, 302, 201 and 506 of the Indian Penal Code.

The allegation of complainant, Mankeshwari Devi, is
that she is the wife of petitioner no. 1, Laxman Baitha, but due to
torture she used to reside at her 'Maika' along with her son, Ajay
Kumar and lodged the Matrimonial Case, in which, petitioner no.
1 was directed to pay Rs.150/- per month as maintenance, but that
money was not paid by him. Thereafter, the complainant filed an
application for enhancement of maintenance amount and for



giving the evidence in that case, petitioner no. 1 accompanied her son on 20.01.2002 and statement of Ajay Kumar, son of the complainant, was also recorded, but since then her son did not return to her 'Maika'. In the meantime, petitioner no. 1 performed the re-marriage with the petitioner no. 2. The petitioner no. 1 with intention to grab the property of the complainant and his son, Ajay Kumar, injected poison to her son and committed murder. Informant raised suspicion against the petitioners and other family members having hand in the murder of her son.

Learned counsel for the petitioners submits that, in fact, the occurrence took place in the year 2002 but the complainant, who is the wife of petitioner no. 1, filed the Complaint Case on 21.02.2019. It is further submitted that it has come only in the case diary that deceased, son of the complainant and the petitioner no. 1 was alive till 2004, but thereafter he was traceless, except that nothing has been collected against him by the Investigating Officer.

Having regard to the facts and circumstances of the case, let the above named petitioners 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, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the 11th A.C.J.M., Motihari, in connection with Kesariya P.S. Case No. 56 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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